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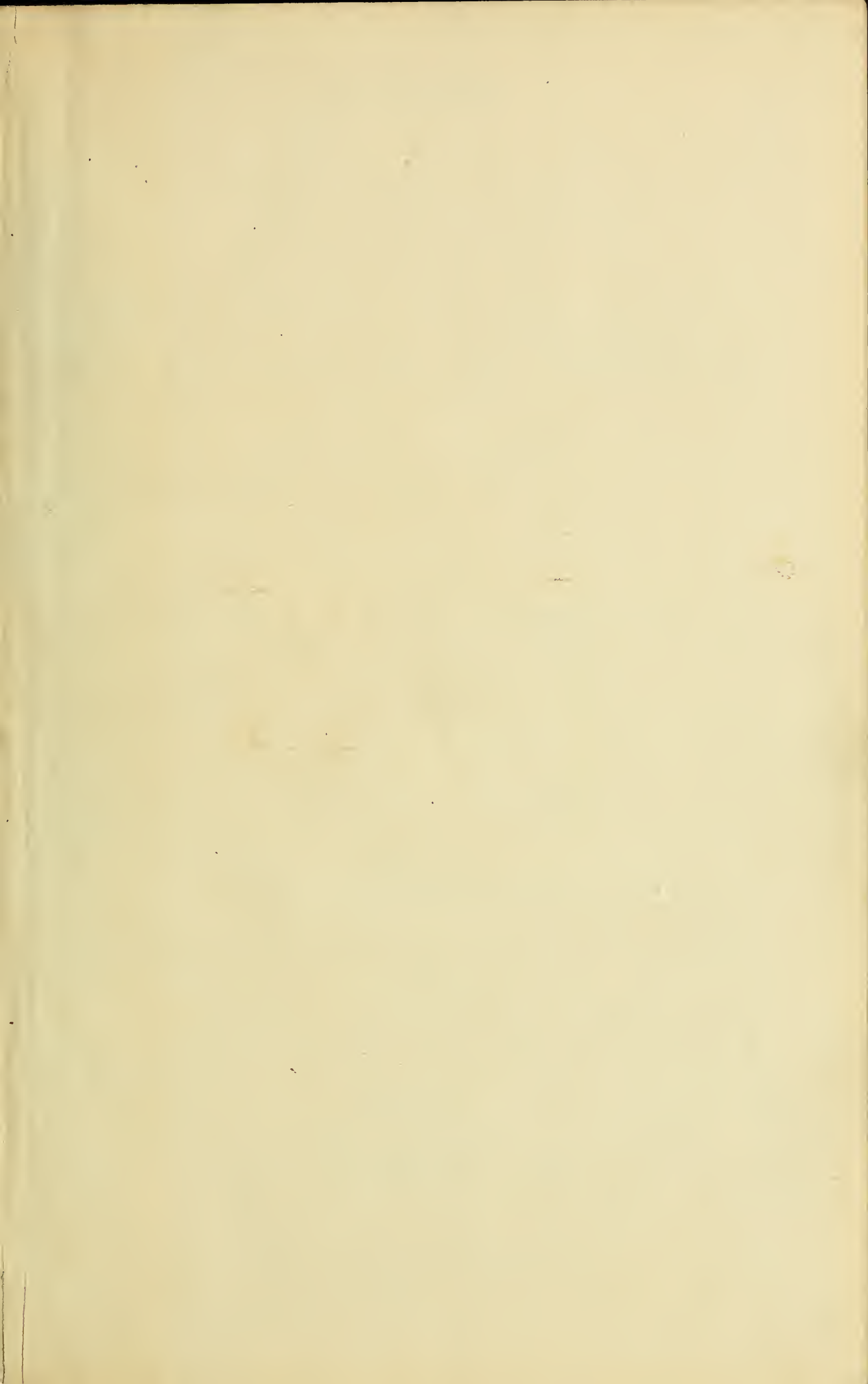


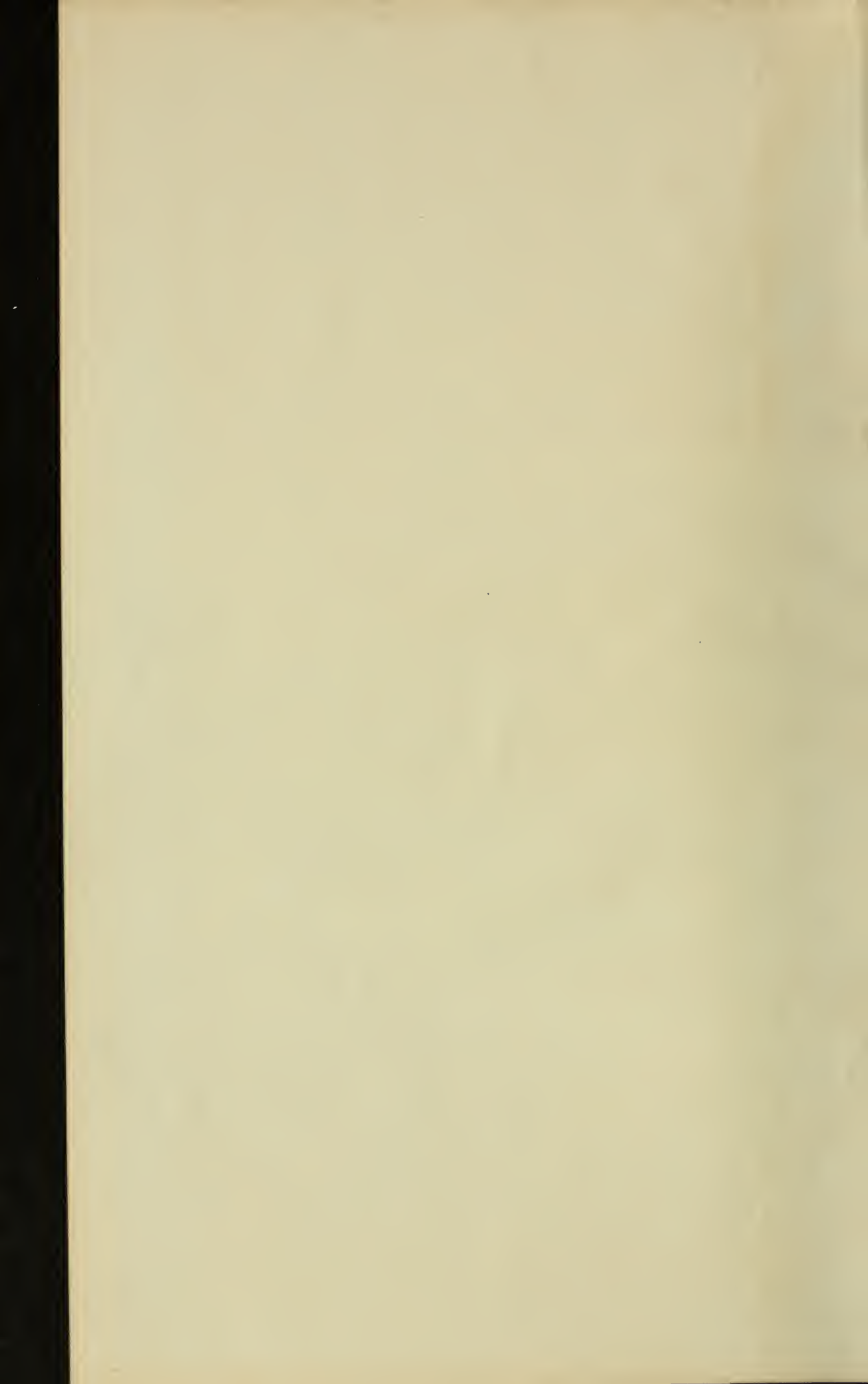
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UNITED STATES OF AMERICA.





# ADDRESS

STATEMENT OF

OF

*Charles James*

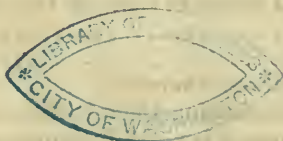
MR. FAULKNER, OF VIRGINIA,

ON

THE LAND POLICY

OF

THE UNITED STATES.



WASHINGTON:  
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M. L. L. 26/10/08

*To the Voters of the 8th Congressional District of Virginia:*

The policy has been adopted by the opposition press of this State, and zealously pursued for the last five months, of making an issue with the Democratic party upon the subject of the PUBLIC LANDS. We have been arraigned as faithless stewards of the Public Domain—as having promoted, or connived at its waste and mismanagement, and the recognized doctrines of our party are assailed as inconsistent with the true interests and permanent welfare of Virginia. We have been held up as careless of the progress of public improvements, indifferent to the burdens of the tax-payer, and altogether behind the age in the proper conception of a saving State policy. We are told that all those antiquated notions of State pride, State dignity, and State self-reliance should now be abandoned, which have heretofore been cherished by us, and which have been regarded as a part of our moral, if not of our material wealth, and that Virginia being now ascertained to be incapable of doing anything for herself, must hereafter look to the National Government for the means of improvement and support. We are called upon to renounce our principles as mere “*senseless dogmas*,” as “*ridiculous abstractions*,” as sounding brass and tinkling cymbal, and to place ourselves under the guidance and guardianship of the Know Nothing editorial corps of this State, who have shown in so remarkable a degree their own competency as instructors of a free people in the principles of civil liberty and the doctrines of constitutional law.

I am one of those who believe that the position heretofore taken and maintained by the Democratic party of this State and nation in relation to the public domain is wise, conservative, and in accordance with the Constitution, and that any departure from that position will be found injurious to the people and subversive of the character of our constitutional system.

I have already taken occasion to address the people in four of the counties of this congressional district in vindication of my views on this important question, and have made appointments which I expect to fill in all of the remaining counties. And yet I am well aware how comparatively few of the voters can be present at these public addresses, and how difficult it is, even for the best informed who may be present, at all times, to learn with precision the views of the speaker, and retain the facts and statistics which may be laid before them.

The attention of the people has not been particularly drawn for several years to the subject of the public lands. I have no recollection that they have ever before formed any prominent point in the political discussions of the day; and indeed they have entirely passed from the issues of the country since 1844. Much misconception now prevails in the public mind in reference to the action and policy of Congress



on the subject, and the opposition press, by the course of argument and discussion which it pursues, has not at all sought to enlighten and inform the public judgment.

I have been called upon by formal letters, from both the counties of Loudon and Hampshire, to present in some permanent and convenient form my views on this question, and I have sought in this address to comply with their wishes. I regret that the circumstances of the haste in which it has been prepared must necessarily render it very imperfect. It has been gotten up during the special term of the circuit court of Berkely, when my attention has been constantly diverted from the task by my urgent professional labors. It is, however, designed simply to furnish facts and materials for reflection, which the voter can ponder over at his leisure. I have not been ambitious of using my own language, but have always preferred, whenever I could do so, to embrace my own sentiments in extracts from the speeches, &c., of the leading and distinguished statesmen of the country.

I have sought to embody in this address a mass of useful information which cannot fail to be instructive to all who may have time and leisure to peruse it.

#### LAND SYSTEM OF THE UNITED STATES, WITH ITS GENERAL RESULTS UPON THE PROSPERITY AND HAPPINESS OF THE PEOPLE.

“At an early period of our history Congress adopted a system for surveying and selling the public lands, devised with much care and great deliberation, the advantages of which have been fully tested by experience. According to that system, all public lands offered for sale are previously accurately surveyed by skillful surveyors in ranges of townships of six miles square each, which townships are subdivided into thirty-six equal divisions or square miles, called sections, by lines crossing each other at right angles, and generally containing 640 acres. These sections are again divided into quarters, and prior to the year 1820 no person could purchase a less quantity than a quarter. In that year a provision was made for the further division of the sections into eighths, thereby allowing a purchaser to buy only eighty acres if he wished to purchase no more. Since that time, further to extend accommodation to the purchasers of the public lands, and especially to the poorer classes, the sections have again been divided into sixteenths, admitting a purchase of only forty acres.”

“This uniform system of surveying and dividing the public lands applies to all the States and Territories within which they are situated. Its great advantages are manifest. It insures perfect security of title and certainty of boundary, and consequently avoids those perplexing land disputes—the worst of all species of litigation—the distressing effects of which have been fatally experienced in some of the States. But these are not the only advantages, great as they unquestionably are. The system lays the foundation of useful civil institutions, the benefit of which is not confined to the present generation, but will be transmitted to posterity.”

Under the operation of the system thus briefly sketched, the progress of the settlement and population of the public domain of the United States has been altogether unexampled.



Many of our ablest statesmen have portrayed, in strains of the highest eloquence, the wonderful results of this system upon the comfort and happiness of the individual citizen, as well as upon the general growth and prosperity of the Republic.

Mr. Webster thus speaks of it, and I shall quote with pleasure from him and other eminent Whig orators, for in these extracts it will be seen that they are doing homage to that policy which has ever marked and distinguished the Democratic party of this country:

"Sir, I maintain Congress has acted wisely, and done its duty on this subject. I hope it will continue to do it. Departing from the original idea, so soon as it was found practicable and convenient of selling by townships, Congress has disposed of the soil in smaller and still smaller portions, till at length it sells in parcels of no more than eighty acres, thus putting it into the power of every man in the country, however poor, but who has health and strength, to become a freeholder if he desires—not of barren acres, but of rich and fertile soil. The government has performed all the conditions of the grant. While it has regarded the public lands as a common fund and has sought to make what reasonably could be made of them as a source of revenue, it has also applied its best wisdom to sell and settle them as fast and as happily as possible; and, whenever numbers would warrant it, each Territory has been successively admitted into the Union, with all the rights of an independent State."

Mr. Clay, in a strain of still more fervent oratory, thus discants upon the system:

"And if there be in the operations of this government one which more than any other displays consummate wisdom and statesmanship, it is that system by which the public lands have been so successfully administered. We should pause, solemnly pause, before we subvert it. We should touch it hesitatingly and with the gentlest hand. The prudent management of the public lands, in the hands of the general government, will be more manifest by contrasting it with that of several of the States which had the disposal of large bodies of waste lands. Virginia possessed an ample domain west of the mountains and in the present State of Kentucky, over and above her munificent cession to the general government. Pressed for pecuniary means by the Revolutionary war she brought her wild lands during its progress into market, receiving payment in paper money. There were no previous surveys of the waste lands, no townships, no sections, no official definition or description of tracts; each purchaser made his own location, describing the land bought as he thought proper. These locations or descriptions were often vague and uncertain. The consequence was that the same tract was not unfrequently entered various times by different purchasers, so as to be literally shingled over with conflicting claims. The State, perhaps, sold in this way much more land than it was entitled to, but then it received nothing in return that was valuable; whilst the purchasers, in consequence of the clashing and interference between their rights, were exposed to tedious, vexatious, and ruinous litigation. Kentucky long and severely suffered from this cause, and is just emerging from the troubles brought upon her by improvident land legislation. Western Virginia has also suffered greatly, though not to the same extent."

After referring to the evils of their system of management as displayed in the history of Georgia and Kentucky, he proceeds:

"These observations in respect to the course of the respectable States referred to, in relation to their public lands, are not prompted by any unkind feeling towards them, but to show the superiority of the land system of the United States."

\* \* \* \* \*

"The progress of settlement and the improvement in the fortunes and conditions of individuals under the operation of this beneficent system, are as simple as they are manifest. Pioneers of a more adventurous character, advancing before the tide of emigration, penetrate to the uninhabited regions of the west. They apply the axe to the forest, which falls before them, or the plough to the prairie, deeply sinking its share in the unbroken wild grasses in which it abounds. They build houses, plant orchards, enclose fields, cultivate the earth, and rear up families around them. Meantime the tide of emigration flows upon them; their improved farms rise in value: a demand for them takes place; they sell to the new comers at a great advance, and proceed further west with ample means to purchase from government, at reasonable prices, sufficient land for all the members of their families. Another and another tide succeeds, the first pushing on westwardly the previous settlers, who in their turn sell out their farms, constantly augmenting in price, until they arrive at a fixed and stationary value. In this way thousands and tens of thou-



sands are daily improving their circumstances and bettering their condition. I have often witnessed this gratifying progress. On the same farm you may sometimes behold standing together the first rude cabin of round and unhewn logs and wooden chimneys, the hewed log-house, chinked and shingled, with stone or brick chimneys, and, lastly, the comfortable brick or stone dwelling; each denoting the different occupants of the farm, or the several stages of the condition of the same occupant. What other nation can boast of such an outlet for its increasing population—such bountiful means of promoting their prosperity and securing their independence?

“To the public lands of the United States, and especially to the existing system by which they are distributed with so much regularity and equity, are we indebted for these signal benefits in our national condition. And every consideration of duty to ourselves and to posterity enjoins that we should abstain from the adoption of any wild project that would cast away this vast national property holden by the general government in sacred trust for the whole people of the United States, and forbids that we should rashly touch a system which has been so successfully tested by experience.”

\* \* \* \* \*

“Such is a rapid outline of this invaluable national property, of the system which regulates its management and distribution, and of the effects of that system. We might here pause and wonder that there should be a disposition with any to waste or throw away this great resource, or to abolish a system fraught with so many munificent advantages. Nevertheless there are such who, impatient with the slow and natural operation of wise laws, have put forth various pretensions and projects concerning the public lands within a few years past.”

#### QUANTITY OF PUBLIC LAND AND ITS ACTUAL PRESENT VALUE.

The entire area of the public domain is estimated at about 1,584,000,000 acres. Of that amount there is within the States, exclusive of California, 471,892,439 acres.

This immense quantity of unsold and unoccupied public land has led to many erroneous estimates of its true value, and has suggested many of those wild and disorganizing schemes for its disposition which have been forced upon the public attention of late years. Regarding the entire public domain as productive capital, available for present and immediate use, the most visionary and extravagant hopes have been excited as to the benefits to be derived from its division and distribution. These errors have been exposed with such marked ability in a report from the Committee on Public Lands, submitted to the Senate in January, 1840, that I shall take the liberty of presenting again, before the public mind, its clear and irresistible reasoning. That report, it is true, was made prior to our purchase of that portion of the public domain which lies within the State of California and the Territories of Utah and New Mexico, but that fact does not, in the very slightest degree, affect the force of the argument, or even vary its calculations and conclusions. The average annual proceeds of the public domain do not materially vary now from what they were prior to those important additions to our territorial possessions.

\* “It appears from a report from the Commissioner of the General Land Office, (see Doc. 46, 3d sess. 25th Congress,) that the whole quantity in acres of the public domain, on the 30th September, 1838, to which the Indian title was not extinguished, amounted to 766,000,000, in round numbers. There were, at the same time, as appears by the same report, in the States and Territories, 319,000,000 of acres to which the Indian title was extinguished, making the whole public domain in the aggregate, at that time, to be 1,085,000,000 of acres; from which about 5,000,000 of acres may be deducted for sales

\* The report from which this extract is taken, though made by Mr. Norvell, of Michigan, was written by Mr. Calhoun.



since made, leaving now about 1,080,000,000 of acres. It appears that, on the 1st of January last, there were, in the new States, 154,000,000 of acres to which the Indian titles were extinguished, and 9,500,000 acres to which the Indian title was not extinguished; making, in the aggregate, 163,500,000 acres. From this deduct, for disputed grants, many of which are large, to which the right of the government may not be established, 3,500,000 acres, which would leave 160,000,000 subject to the operation of this bill, being less than one-sixth of the whole public domain.

“Those who have not reflected on the subject are liable to form very erroneous estimates of the true value of the public lands. It is very natural to conclude that, as none are sold for less than \$1 25 per acre, the 160,000,000 of acres unsold, in the new States, are worth \$200,000,000; but such a conclusion would be utterly fallacious. If the whole could be sold at once, at that price, for cash in hand, or on perfectly safe security, with interest, and without expense, the conclusion would be correct; but such is far from being the case. They can only be sold at that price, through a long period of years, in small portions at a time, and at a heavy expense, all of which must be taken into the estimate to form a correct opinion of their real value, or, to express the idea differently, their actual present value.

“In order to determine what that really is, it will be necessary to assume what would probably be the gross annual proceeds of the sales of the public lands embraced by the bill, on the supposition that the present price, and the land system, as it now stands, will be continued. The committee are fully aware that the assumption must be, in a great measure, conjectural. There are not, and cannot be, from the nature of the subject, any certain data on which to rest calculation. All that can be done is, to assume a sum sufficiently liberal to guard against the possibility of an under estimate; and, proceeding on that principle, after a full consideration of the whole ground, the committee have come to the conclusion that it would be a liberal assumption to take the sum of \$2,500,000 as their average gross annual income, on the supposition of the continuance of the system till the whole shall be sold. The assumption supposes that the whole of the lands embraced in the bill will be sold at \$1 25 per acre, and that the average sales annually will yield \$2,500,000, till the last acre is sold; an assumption which all, the least conversant with the subject, will readily allow to be ample.

“Taking, then, that sum as the annual gross income, it is clear that the real value of the lands in question cannot exceed a sum which, at the legal interest of 6 per cent., would give an annual income of \$2,500,000; or, to express it differently, cannot exceed the present value of a permanent annuity of that amount—that is, a fraction over \$41,000,000.

“So far is clear, and it is equally so that it must be less than that sum. The reason is obvious: to derive an income of \$2,500,000 from lands at \$1 25 per acre, there must be annually sold 2,000,000 of acres, which would dispose, at that rate, of the whole 160,000,000 of acres in eighty years. It follows, of course, that their true present value, instead of being worth a permanent annuity of \$2,500,000, would be worth one of that amount for eighty years only, which is little more



than \$34,000,000. That sum, then, it is manifest, would be the true present value of all the unsold lands in the new States, on the data assumed, provided they could be sold without expense, trouble, or cost by the government; but as that cannot be, it becomes necessary to determine what deduction ought to be made on that account to ascertain what, in fact, is their real present value.

“In determining this, the committee have taken experience as their guide. They have carefully ascertained, under the actual operation of the system, to the present time, what deductions ought to be made, under all the various heads, as incident to the system, on the actual quantity of land sold by the government, and have apportioned them rateably on the lands to be sold, on the supposition that what remains to be sold will be subject to as great a reduction, in proportion, as that which has been; in other words, that the administration of the public lands hereafter, if the present system should be continued as it stands, would be neither more nor less economical or prudent than it has been. In making their estimates, they have included under expense not only what is appropriately comprehended under it, but whatever goes to diminish the net income from the lands—such as grants and donations other than the 16th section reserved for schools, the two and three per cent. fund reserved out of the sales for internal improvement, the expenditures on internal improvement incident to the public domain, but not charged to that fund, and the increased expense of legislation.

“The result is, that the expense of the management of the public lands embraced in the bill (on the supposition that the administration will be neither more nor less economical than the past, and that they will yield annually the sum supposed, and of course be sold in the period assigned) would amount to a fraction over \$44,000,000, which, divided by eighty, the number of years required to dispose of the lands, would give \$550,000 as the average annual expense. This sum, regarded as an annuity for eighty years, and estimated as a present charge, would make a fraction less than \$7,600,000, which, deducted from the sum of \$34,000,000, the present value of the lands, without estimating expenses, would give for the actual present value of the lands the sum of \$26,400,000.

“But as small as this sum may appear to many, the committee believe that it is over, rather than under, the true estimate. It makes no allowance for defalcations and losses incident to the management of the fiscal concerns of the land system, and assumes that every acre will be sold at \$1 25 per acre, which no one can expect who will recollect that a large portion is sterile and worthless, consisting of pine barrens, swamps, unproductive prairies, and stony and mountainous tracts, which are at present unsalable at any price, and will be so for a long time to come. To this may be added that more than one half has been in market for five, ten, fifteen, and twenty years and upwards without being sold, and are the remnants left, after the repeated selections of all that were considered as valuable, even under the late rage for speculation, stimulated to the greatest excess by a bloated currency. Against this it is admitted that there is a considerable quantity not yet surveyed and brought into market, of which



a portion may sell for more than \$1 25 per acre; but experience shows that the quantity sold above that price is so small that its effect on the general average price does not exceed  $2\frac{1}{8}$  cents per acre, and is too inconsiderable to take into the estimate.

“Taking, then, all circumstances into consideration, the committee feel assured that the result to which they have been brought is too high rather than too low, but they do not deem it material whether it be, in truth, a few millions more or less. Their object is not perfect precision, but to give a correct general impression of the value of the lands embraced in the bill, in order to correct the utterly fallacious conception which even many of the well informed entertain on the subject. So long as the value of the lands embraced in the bill is estimated at hundreds of millions of dollars, instead of the few millions which they are really worth, so long it will be impossible to obtain for the measure which it proposes that impartial and deliberate consideration necessary to a correct decision, and hence the necessity of removing such erroneous impressions preliminary to the discussion of the general merits of the bill, to which the committee will now proceed.”

Extraordinary efforts have been made within the last few months, by the opposition papers of this district and State, to excite discontent by vivid and reiterated declarations of the gross mismanagement of the public domain. Tabular statements have been paraded before your eyes of the enormous donations made by Congress to the new States for school, railroad, and other purposes. Editors and orators have dwelt with real or affected indignation upon the reckless squandering of the public lands, the extraordinary favors shown to the new States and the injustice done to the old, the rapid decline of Virginia and the unparalleled growth of the northwestern States, all the result of a concerted movement, originating in party purposes, and all designed to prepare the public mind for a revival of the oft-repeated and discarded policy of distribution.

That there is not some just ground for discontent with the legislation of Congress for the last seven or eight years I do not deny. One might naturally infer such to be my opinion at least, for my vote has been uniformly arrayed against every bill disposing in any form of the public lands submitted to the body of which I was a member, during the six years of my service. But it will be found, upon examination, that much of this clamor grows out of a misconception of the true character of the legislation of Congress, or is ascribable to natural and unavoidable causes, over which Congress and human government can have no control.

I will examine separately the three classes of grants, which are the theme of greatest denunciation by the opposition press, and submit to your consideration the reasons of just policy upon which they respectively rest, and you will thus have the means of deciding for yourselves whether you have been robbed or plundered to the extent that you are led to suppose by those vigilant sentinels, who claim now to be the only safe depositories of the public interest.



## SCHOOL LANDS.

The new States, created out of the territory of the United States, have always had, at the period of their admission, large vacant and unappropriated public lands within their limits. Coming into the confederacy, as members of the federal alliance, with all the rights of independent States, subject to the Constitution of the United States, would have the unquestioned power to tax for State purposes all the lands within their jurisdiction, whether belonging to the federal government or to individuals. To guard against this exercise of State power, it has been the practice of the government, from our earliest history, to enter into a compact with the State seeking admission into the Union, by which the United States agree to transfer to the State one section of land in each township for "the use of schools," and five per cent. of the net proceeds of the sale of the public lands lying within the State, after deducting all expenses incident to the same, for public roads.

"Provided that the foregoing propositions herein offered are on the condition, that the said convention which shall form the constitution of said State shall provide, by a clause in said constitution, or an ordinance, irrevocable without the consent of the United States, that said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to bona fide purchasers thereof; and that no tax shall be imposed on lands the property of the United States; and that in no case shall non-resident proprietors be taxed higher than residents."

It will be seen that the grant of school lands, &c., is made by Congress as a consideration for the attainment of three important objects:

1st. That the State shall never interfere with the primary disposal of the soil within the same by the United States.

2d. That no tax shall be imposed on lands the property of the United States.

3d. That in no case shall non-resident proprietors be taxed higher than residents.

The importance of those stipulations to the United States may be at once seen by reference to the fact, that we have at this time (exclusive of California) 471,892,439 acres of land lying within the jurisdiction of the States, which is altogether exempt from taxation. As Mr. Webster remarked in January, 1839, "whilst held by the United States these lands are not subject to State taxation. They contribute nothing to the burdens thrown on other lands. Here is a great proprietor in a State, holding large territory, exempt from common burdens."

It is also important in securing to those citizens of Virginia, and other States, who may think proper to purchase, but do not find it convenient to reside in the new States, immunity from unjust and unequal taxation.

## SWAMP LANDS.

In almost every State or Territory of the United States, where the government holds public lands, and more particularly in the southern



States of Louisiana, Arkansas, Missouri, and Florida, are found large parcels of it overflowed by water. These lands are entirely unfit for cultivation, indeed not susceptible of being surveyed, and serve but to infect the States in which they are situated with disease, not confined to the lands themselves, but spreading far and wide in the adjacent country, and depreciating the domain belonging to the government within the reach of the miasma arising from them. The existence of such a nuisance in the States was for many years a subject of loud complaint. Congress at length yielded to these just complaints, and by act of the 28th of September, 1850, granted to the States in which they were located "the whole of those swamp and overflowed lands made unfit thereby for cultivation," \* \* \* "provided, that the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the purpose of reclaiming said lands." The States would, doubtless, have much preferred that the general government had retained the lands and undertaken itself the work of drainage. But in the absence of any such improbable action by the federal government, it was not to be endured that these lands should remain in their then condition—unfit for sale—destructive of the value of the adjacent public domain; and a source of disease and death to the inhabitants of the States. So manifest seemed the propriety of this measure, granting the "swamp lands" to the States for that purpose, that the bill passed the Senate without a dissenting voice, whilst in the House it passed by a vote of 120 yeas, to 53 nays; but eight southern men, and amongst them but one member, from Virginia, voting against it.

#### RAILROAD GRANTS.

The policy and results of these grants by Congress have been so clearly exhibited in the annual report of the Secretary of the Interior of December 5, 1853, that it will only be necessary to take from it the following extract:

"In the Territories and new States, where many of the public lands remain for a long period unsold, liberal grants should be made for those great highways, which to a certain extent may be considered local in their character, though general in their influence, and not conflicting with the interests of the old States. In this way, without any expenditure of money, the general government can greatly increase the value of the public domain. It has never made such a donation without being fully repaid. The principle of granting alternate sections and selling those reserved at double the ordinary price, has been found by experience to be most salutary. By reason of the improvements made with such grants large tracts of land that had long lain waste have been brought into market and found a ready sale; the surrounding country has been peopled; the revenue has been augmented by the increased consumption of foreign merchandise; and the State in which the improvements have been thus made, and not unfrequently the adjacent States, have been largely benefitted. Without these donations and consequent improvements some of the finest portions of the new States would have continued a wilderness; lands that had been for fifteen or twenty years in the market might have remained as much longer unsold, and thus the prosperity and advancement of the whole country greatly retarded. The loss to the government would have been serious without any corresponding benefit. The true policy is to bring the lands into market, and by all legitimate means dispose of them as speedily as possible; justice to those who have been induced to settle in the new States and Territories and the interest of the government alike demand it. The strongest political and economical considerations, therefore, dictate this course.

"On the 20th of September, 1850, a grant of lands was made to the States of Illinois, Mississippi, and Alabama, to aid in the construction of the great central railroad from



Chicago to Mobile. To afford these States an opportunity of making their selections the lands along the supposed routes of the road were for a short period withdrawn from market, most of them being of little value to the States in which they were, or to the general government, until the grants were made and it was ascertained the road would be constructed; but then they were bought up with avidity and are now considered as most choice and valuable.

"The Illinois Central Railroad Company was incorporated, and the route of the road and its branches within that State designated by an act of the legislature in February, 1851. During the half year ending December 31, 1850, the quantity of land sold and located with bounty land warrants in the district traversed by the road was 342,487  $\frac{88}{100}$  acres. The alternate sections reserved to the United States were released from reservation and brought into market, in July, August, and September, 1852, and during that and the next succeeding quarter the sales and locations amounted to 1,274,522  $\frac{28}{100}$  acres; showing an increase over the corresponding half year next preceding the location of the road of 932,034  $\frac{40}{100}$  acres.

"The unselected lands in the Augusta and Columbus districts of the State of Mississippi were restored to market in the month of September last, and notwithstanding the sales in those districts had been for many years very limited, the lands thus restored met with ready sales at enhanced prices. The quantity sold at Augusta in the month of September, 1849, was only 424 acres, and in the same month in the years 1850-'51-'52, much less; and yet, in five days in September last, after the route of the road had been established and the alternate sections designated by the State, 19,530 acres were sold for \$34,056; being \$9,643 more than their aggregate value at the minimum price. In the Columbus district, in the short space of 12 days, in the month of September last, 22,504 acres were disposed of; whereas, in all the month of September, 1849, the quantity sold was only 2,358 acres.

"The lands withdrawn from market in June, 1852, to enable the State of Missouri to locate the routes and select the lands granted to her by the act approved the 10th of that month for the construction of certain railroads, were restored to market on the 5th of July last, and between that day and the 30th of September following 318,839 acres were sold; being nearly 150,000 acres more than were sold in the corresponding quarters in 1850-'51, and '52 combined. A like effect has been produced upon the sales of the alternate sections reserved to the United States, wherever similar grants have been made.

\* \* \* \* \*

"There can be as little doubt of the constitutionality of such grants as of their propriety. The right to donate a part for the enhancement of the value of the residue can no longer be questioned. The principle has been adopted and acted upon for nearly thirty years; and since experience has shown it to be productive of so much good, no sound reason is perceived why it should now be abandoned. It has been of incalculable importance to the Great West, and either directly or indirectly to all the States.

\* \* \* \* \*

"Something is manifestly due to the hardy pioneer, without whose labor, industry, and enterprise the West would now be of little moment. No one who has not been an eye-witness can appreciate the hardships and privations endured by him, and government should certainly not hesitate to aid him, especially when it can be done without detriment to the other States, or to any other interests."

I will now proceed to examine some of the most prominent of the schemes or plans which, as Mr. Clay has well remarked, "restless men, impatient of the slow operation of wise laws, are constantly throwing before the popular mind in reference to the public lands." The first I shall notice is the scheme for a

#### DIVISION OF THE PUBLIC LANDS AMONG THE STATES.

Several plans having this object in view have been laid before Congress during the last few years; and although at times pressed with some seeming earnestness, they have attracted but little favor, and have been soon abandoned. The practical difficulties in the way of any fair and equal division of the public domain—the striking imperfection and injustice of all the schemes so far submitted, the pernicious consequences which must flow from such an unwise measure if adopted, and the constitutional impediments to the execution of all



such plans—have made them rather the subject of just ridicule than of grave discussion, being regarded rather as bids for local popularity at home than designed by their projectors as serious efforts of legislative policy.

Mr. Webster, in his celebrated speech delivered in the Senate in 1829 upon Foote's resolution, has placed the duties and obligations of the national government on this subject in its true light. After reciting the conditions and trusts upon which the federal government held this public property, and for the fulfillment of which the national faith was and is pledged, he says:

"One of these conditions or trusts, as I have already said, was that the lands should be sold and settled at such time and manner as Congress shall direct. The government has always felt itself bound in regard to sale and settlement to exercise its own best judgment, and not to transfer that discretion to others. It has not felt itself at liberty to dispose of the soil, therefore, in large masses to individuals, thus leaving to them the time and manner of settlement. It had stipulated to use its own judgment."

Again, in the same speech, he said:

"I look upon the public lands as a public fund, and that we are no more authorized to give them away gratuitously than to give away gratuitously the money in the treasury."

Again, in 1837, he repeats, with still greater emphasis, the same ideas:

"Now, I ask where is the power to make this grant? If we look upon it as a cession for the benefit of the States in which the lands lie, if it was a *gratuitous* grant in any degree, whence is the power obtained to authorize Congress to give away the public lands? Well, the answer to this question might be, that the proposition is not to make a gift of it, as certain returns were to be made to Congress by the new States. Now, by the Constitution of the country, the trust, the disposition of the public lands was conferred on Congress; and I ask, is it possible that any man can maintain the proposition that as they were placed in their hands, as belonging to the whole people of the United States, they could transfer the general disposition of them? It appears to me that they might just as well entertain this proposition as to farm out the custom-house in New York on certain terms.

"Nor do I know that Congress has any more authority to *give away the public lands* than the proceeds of a custom-house on particular stipulations; nor can they surrender the control of it any more than they can assign to others the power of collecting the revenue of the custom-house in Boston, or elsewhere. I see, therefore, objections insurmountable, whether they assume the shape of a *gratuitous* cession or a trust. In either case it transcends the power of Congress. It is to make the public lands a common fund for the benefit of the whole people of the Union. The great object is to sell the public lands gradually; and whilst it is in a state of ownership I have always held that Congress might make it *more valuable by the creation of railroads, canals, and other improvements* of this sort. I have felt no difficulty therefore in supporting grants to accomplish these objects, because it was a very efficient mode of increasing the value of the public domain."

Mr. Clay, in a report made to the Senate in 1832, said:

"By the clear and positive terms of the acts of cession a great public national trust was created and assumed by the general government. It became solemnly bound to hold and administer the lands ceded as a common fund for the use and benefit of all the States, and for no other use or purpose whatever. To divert it from the common benefit for which it was conveyed would be a violation of the trust."

But apart from the constitutional difficulties so apparent and so clearly set forth by Messrs. Webster and Clay, how would it be possible to make any partition of the public lands, that could be at all satisfactory to Virginia and the other Atlantic States? According to every bill which has been submitted on the subject—and indeed from the very necessity of the case, the portion coming to the new States would have to be assigned to them within their respective jurisdictions. And would Virginia and her sister States of the South be content to have hers allotted to her in Utah, New Mexico, Oregon, or Washington, or the other distant or remote Territories. If any such



partition were made, such would be the inevitable assignment of the remote lands. And if the share of Virginia were assigned to her in some distant territory, in what manner would she make it available? It now costs the Federal Government near one million of dollars annually to keep up its Land Office. What would be the cost of thirty-one land offices kept up by the several States? It now costs the Federal Government some eleven millions of dollars to maintain one army to defend her land and protect her settlers. What would it cost to maintain thirty-one armies for the same purpose? Mr. Clay, in his celebrated report, presents other pernicious consequences which would result from this scheme of dividing the lands amongst the States :

“The lands are now sold under one uniform plan, regulated and controlled by a single legislative authority, and the practical operation is perfectly understood. If they were transferred to the States, the subsequent disposition would be according to laws emanating from various legislative sources. Competition would probably arise between the States in the terms which they would offer to purchasers. Each State would be desirous of inviting the greatest number of emigrants, not only for the laudable purpose of populating rapidly its own territories, but with the view to the acquisition of funds to enable it to fulfil its engagements to the general government. Collisions between the States would probably arise, and their injurious consequences may be imagined. A spirit of hazardous speculation would be engendered. Various schemes in the new States would be put afloat to sell or divide the public lands. Companies and combinations would be formed in this country, if not in foreign countries, presenting gigantic and tempting but delusive projects, and the history of legislation in some of the States of the Union admonishes us that a too ready ear is sometimes given by a majority, in a legislative assembly, to such projects.”

But I will not pursue this reckless and revolutionary scheme further. Such politicians as Messrs. Carlisle and Bennett may find such hobbies useful in riding successfully over a congressional district. But the sober judgement of the country cannot regard them otherwise than as either visionary or wicked.

I now approach the examination of another scheme, which being less radical, revolting and disorganizing, has more supporters than the preceeding ; but which is obnoxious to many of the objections which apply to a partition of the public lands. I mean the—

#### DISTRIBUTION OF THE PROCEEDS OF THE PUBLIC LANDS.

This measure, as a practical question of public policy, was first brought before the country in 1832. There were peculiar circumstances in the then condition of the country, which caused it to be looked upon with favor when first proposed. But the able and searching scrutiny to which it was subjected by the statesmen of that period, soon revealed the pernicious principles which lay concealed under its imposing exterior, and after a fitful struggle of ten or twelve years it passed from the political issues of the day, and from that period it has hardly been deemed to possess vitality sufficient to render it worthy of a passing newspaper paragraph.

It has recently been revived by the opposition press, as a political issue peculiarly adapted to the condition and circumstances of Virginia. *We hear not a word of it beyond the limits of this commonwealth.* In every other State it reposes in the same quiet grave in which it was deposited in 1844. But here in this State, where, at no period of its history, it ever obtained the slightest countenance and favor, it has alone been deemed worthy of resurrection.



To whom are we indebted for its revival? To any spontaneous movement of the popular mind? No! To the action of any organized political body? No. But to the wild and erratic editorials of the Richmond Whig. Month after month was it occupied in drumming, urging and pressing this question upon the public mind before the slightest response was heard to its rabid and fiery appeals. But at length the admirable bearing which it might have in dividing and distracting the overgrown Democratic party of this State was seen—and instantly it was seized upon by every opposition press in the State, and made the rallying cry of the approaching election.

It was believed that the condition of our Treasury, the high rate of our taxes, and the just desire to complete many railroad projects now lying in an unfinished condition, would render the people not very scrupulous as to the means by which their burdens might be lessened, and their improvements finished. They flattered themselves that the occasion was particularly opportune to break down the Democratic organization of this State. It was known that that party had, for a quarter of a century, arrayed itself against the expediency and constitutionality of the distribution policy; and if, under the pressure of taxation, and the eager thirst for public improvement, they would now enlist the people in these views, they saw, in such a movement, the certain means of destruction to that party which had made the opposite doctrine cardinal principles of its political faith.

The thin disguise of attempting to treat a fundamental canon of the Democratic policy as no party question, and of postponing their own aspirations to those of some Democrat who would side with their policy, was only confirmatory of the motives in which the agitation had its recent origin. For without the aid of the Democrats—without detaching a segment of the party from the main body—how could they accomplish their cherished object, the destruction and disorganization of the party itself.

Does any man who advocates the distribution policy, for one moment believe that we shall ever hear of it again after the approaching spring election is over, unless it be referred to simply as the sprine sprint in which many an incautious Democrat has been caught? Does he believe there is the slightest chance of carrying such a measure through the national legislature. From whence is it to derive its support? Not from a Democratic President, a Democratic Senate, or a Democratic House of Representatives. For they all stand pledged by the Democratic platform to regard it both as unwise and unconstitutional. Not from the representatives of the land States, who have been consistent in their hostility to the policy. Not from the representatives of the planting States, who regard it but as the harbinger of a return to high protective duties. It has no prospect of support from any quarter except the manufacturing States of New England, and they constitute too small a force to justify the belief that they can succeed in the establishment of that policy.

Looking, therefore, to the time and source of this movement—to the impracticability of its success—to the insignificant amount that would be received from distribution if it could be accomplished—and its utter inadequacy to any of the objects contemplated by it,



I do not feel that I am uncharitable in saying, that the sole purpose, real, sought or anticipated by its originators, is to distract and divide the Democratic party of this State.

But whilst these are my own firm convictions, I will proceed to examine it, not as a party question, but as a question of national policy and constitutional law, and address myself to the reason and judgment of all men in this district, totally irrespective of party.

#### IS DISTRIBUTION CONSTITUTIONAL?

The first inquiry of every southern man, in the discussion of a question of federal policy, is whether the measure is in accordance with the Constitution of the United States, an instrument to which he looks with peculiar reverence, and which all who take part in the government are sworn to support.

The constitutional view of this subject has been treated by Mr. Calhoun with such consummate ability, and with such brevity and precision, that I cannot afford a richer treat to my readers than by incorporating it into this address.

SPEECH OF MR. CALHOUN, JANUARY 23, 1841.

"Whether the government can constitutionally distribute the revenue from the public lands among the States must depend on the fact whether they belong to them in their united federal character, or individually and separately. If in the former, it is manifest that the government, as their common agent or trustee, can have no right to distribute among them, for their individual, separate use, a fund derived from property held in their united and federal character, without a special power for that purpose which is not pretended. A position so clear of itself and resting on the established principles of law, when applied to individuals holding property in like manner, needs no illustration. If, on the contrary, they belong to the States in their individual and separate character, then the government would not only have the right but would be bound to apply the revenue to the separate use of the States. So far is incontrovertible, which presents the question: In which of the two characters are the lands held by the States?"

"To give a satisfactory answer to this question it will be necessary to distinguish between the lands that have been ceded by the States and those that have been purchased by the government out of the common funds of the Union.

"The principal cessions were made by Virginia and Georgia. The former of all the tract of country between the Ohio, the Mississippi, and the lakes, including the States of Ohio, Indiana, Illinois, and Michigan, and the Territory of Wisconsin; and the latter, of the tract included in Alabama and Mississippi. I shall begin with the cession of Virginia, as it is on that the advocates for distribution mainly rely to establish the right.

"I hold in my hand an extract of all that portion of the Virginia deed of cession which has any bearing on the point at issue, taken from the volume lying on the table before me, with the place marked, and to which any one desirous of examining the deed may refer. The cession is 'to the United States in Congress assembled, for the benefit of said States.' Every word implies the States in their united federal character. That is the meaning of the phrase United States. It stands in contradistinction to the States taken separately and individually; and if there could be, by possibility, any doubt on that point, it would be removed by the expression 'in Congress assembled—an assemblage which constituted the very knot that united them. I regard the execution of such a deed to the *United States, so assembled*, so conclusive that the cession was to them in their united and aggregate character, in contradistinction to their individual and separate character, and, by necessary consequence, that the lands so ceded belonged to them in their former and not in their latter character, that I am at a loss for words to make it clearer. To deny it, would be to deny that there is any truth in language.

"But strong as this is, it is not all. The deed proceeds and says, that all the lands so ceded 'shall be considered a common fund for the use and benefit of such of the United States as have become, or shall become, members of the *Confederation* or federal alliance of said States, Virginia inclusive,' and concludes by saying, 'and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatever.' If it were possible to raise a doubt before, those full, clear, and explicit terms would dispel it. It is



impossible for language to be clearer. To be 'considered a common fund' is an expression directly in contradistinction to separate or individual, and is, by necessary implication, as clear a negative of the latter as if it had been positively expressed. This common fund to 'be for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance.' That is as clear as language can express it, for their common use in their united federal character, Virginia being included as the grantor, out of abundant caution."

"The concluding words of the grant are 'shall be faithfully and *bona fide* disposed of for that use, and no other use or purpose whatsoever.' For that use—that is, the common use of the States, in their capacity of members of the confederation or federal alliance—and no other; as positively forbidding to use the fund to be derived from the lands for the separate use of the States, or to be distributed among them for their separate or individual use, as proposed by this amendment, as it is possible for words to do."

"The residue of the public lands, including Florida, and all the region beyond the Mississippi, extending to the Pacific ocean, and constituting by far the greater part, stands on a different footing. They were purchased out of the common funds of the Union collected by taxes, and belong, beyond all question, to the people of the United States in their federal and aggregate capacity. This has not been and cannot be denied; and yet it is proposed to distribute the common fund derived from the sales of these, as well as from the ceded lands, in direct violation of the admitted principle, that the agent or trustee of a common concern has no right without express authority to apply the joint funds to the separate use and benefit of its individual members."

"The Senator from Kentucky, (Mr. CLAY,) and, as I now understand the Senator from Massachusetts, (Mr. WEBSTER,) agree, that the revenue from taxes can be applied only to the objects specifically enumerated in the Constitution. Thus repudiating the general welfare principle, as applied to the money power, so far as the revenue may be derived from that source. To this extent they profess to be good State Rights Jeffersonian Republicans. Now, sir, I would be happy to be informed by either of the able Senators, by what political alchemy the revenue from taxes, by being vested in land, or other property, can, when again turned into revenue by sales, be entirely freed from all the constitutional restrictions to which they were liable before the investment, according to their own confessions. A satisfactory explanation of so curious and apparently incomprehensible a process would be a treat."

"When I look, Mr. President, to what induced the States, and especially Virginia, to make this magnificent cession to the Union, and the high and patriotic motives urged by the old Congress to induce them to do it, and turn to what is now proposed, I am struck with the contrast and the great mutation to which human affairs are subject. The great and patriotic men of former times regarded it as essential to the consummation of the Union and the preservation of the public faith that the lands should be ceded as a common fund; but now men distinguished for their ability and influence are striving with all their might to undo their holy work. Yes, sir; distribution and cession are the very reverse, in character and effect; the tendency of one is to union, and the other to disunion. The wisest of modern statesmen, and who had the keenest and deepest glance into futurity, (EDMUND BURKE,) truly said that the revenue is the State; to which I add, that to distribute the revenue, in a confederated community amongst its members, is to dissolve the community—that is, with us, the Union—as time will prove, if ever this fatal measure should be adopted."

Having disposed of the constitutional question, the next inquiry is, What are the objections to it on the score of expediency and sound policy?

They are numerous.

1. *Distribution is deceptive.*—It is an imposture upon the public mind. It seeks to produce the impression that it is giving money to the people, when it is, in fact, taking money from them. It professes to lessen taxes, when it, in fact, increases them. We have two governments to support—a federal government and a State government. They are both supported by taxation. The first by indirect, the latter by direct taxation. If you withdraw the proceeds of the public lands from the national treasury, to distribute them among the



States, you must supply the deficiency by taxation in the form of duties upon consumption. The result of such an operation, therefore, is to put money in the hands of the legislature for State expenditures, whilst the farmer and mechanic must, with superadded costs, repay the amount by increased price upon every article of foreign growth and production which he buys from the stores.

General Jackson clearly perceived and exposed this imposture, in his message of December, 1833, in which he assigns his reasons for disapproving the bill. He said :

“ It is difficult to perceive what advantages would accrue to the old States or the new from the system of distribution which this bill proposes, if it were otherwise unobjectionable. It requires no argument to prove that if three millions of dollars a year, or any other sum, shall be taken out of the treasury by this bill for distribution, it must be replaced by the same sum collected from the people by some other means. The old States will receive annually a sum of money from the treasury, but they will pay in a larger sum, together with the expenses of collection and distribution.”

Mr. Buchanan, our present distinguished Chief Magistrate, with equal clearness, exposed its trickery in 1841 :

“ But the absurdity of the measure at this time did not stop here. This bill was made the pretext or the reason why we should pass the tax or revenue bill. The *deficiency* created by the one bill, it is said, must be supplied by the other. And how supplied? By a tax of 20 per cent. upon coffee and tea—articles which the habits of the people of Pennsylvania had rendered necessaries of life, and which entered largely into the consumption of every family, poor or rich. While that bill thus taxed coffee and tea, it left railroad iron imported for the use of corporations free of duty ; and yet, strange as it might seem, a Pennsylvania senator was asked to violate the express language of his instructions, and vote for the land bill which it was avowed would render this *odious tax bill* absolutely necessary. The annual distribution under the land bill would be equal to but a little more than an *eleven-penny-bit* to each individual in Pennsylvania, whilst the tax to which each of them would be subjected, in consequence of its passage, on the articles of coffee and tea alone, must considerably exceed that amount. This, truly, was wise legislation !”

2. *Distribution impairs the simplicity and economy of the State governments.*—It stimulates extravagant expenditures—increased indebtedness—and will result in additional burdens upon the people, in the form of higher and more oppressive taxation. Does any man for a moment believe that the annual distribution paid by the federal government to the States would be applied to lessen the existing taxes? Does he not know that small as the distributive share of Virginia might be, it would only be used as a stimulant to new and larger appropriations? Why are all the unfinished railroads now so clamorous for distribution? Why are the people on the line of these projected improvements so anxious for the triumph of the policy? Is it not because they believe and avow that the fund, if received, will be applied to the construction of these roads, or made the basis upon which new State bonds would be issued?

General Jackson, whose keen sagacity and genuine fidelity to the interests of the people cannot be questioned, has left upon the record the following emphatic declaration of his views on this aspect of the subject. In his eighth annual message, he said :

“ All will admit that the simplicity and economy of the State governments mainly depends on the fact that money has to be supplied to support them by the same men, or their agents, who vote it away in appropriations. Hence, when there are extravagant and wasteful appropriations, there must be a corresponding increase in taxes ; and the people, becoming awakened, will necessarily scrutinize the character of measures which thus increase their burdens. By the watchful eye of self interest, the agents of the people in the State governments are repressed and kept within the limits of a just economy. But if the necessity of levying the taxes be taken from those who make the appropriations and



thrown upon a more distant and less responsible set of public agents, who have power to approach the people by an indirect and stealthy taxation, there is reason to fear that *prodigality* will soon supersede those characteristics which have thus far made us look with so much pride and confidence to the State governments as the main stay of our Union and liberties. The State legislatures, instead of studying to restrict their State expenditures to the smallest possible sum, will claim credit for their profusion, and harass the general government for increased supplies. Practically, there would soon be but one taxing power, and that vested in a body of men far removed from the people, in which the farming and mechanic interests would scarcely be represented. The States would gradually lose their purity, as well as their independence; they would not dare to murmur at the proceedings of the general government lest they should lose their supplies; all would be merged in a practical consolidation, cemented by wide-spread corruption, which would only be eradicated by one of those bloody revolutions which occasionally overthrow the despotic systems of the Old World."

"A system liable to such objections can never be supposed to have been sanctioned by the framers of the Constitution when they conferred on Congress the taxing power; and I feel persuaded that a mature examination of the subject will satisfy every one that there are insurmountable difficulties in the operation of any plan which can be devised of collecting revenue for the purpose of distributing it. Congress is only authorized to levy taxes 'to pay the debts and provide for the common defence and general welfare of the United States.' There is no such provision as would authorize Congress to collect together the property of the country, under the name of revenue, for the purpose of dividing it, equally or unequally, among the States or the people."

3. *Distribution leads to consolidation and the concentration of all power in the national government.*—Upon this point, also, I take great pleasure in fortifying my views by an extract from General Jackson's message, disapproving the land distribution bill of 1833. He says:

"But this bill assumes a new principle. Its object is not to return to the people an unavoidable surplus of revenue paid in by them, but to create a surplus for distribution among the States. It seizes the entire proceeds of one source of revenue and sets them apart as a surplus, making it necessary to raise the moneys for supporting the government and meeting the general charges from other sources. It even throws the entire land system upon the customs for its support, and makes the public lands a perpetual charge upon the treasury. It does not return to the people moneys accidentally or unavoidably paid by them to the government, by which they are not wanted, but compels the people to pay moneys into the treasury for the mere purpose of creating a surplus for distribution to their State governments. If this principle be once admitted, it is not difficult to perceive to what consequences it may lead."

"It appears to me that a more direct road to consolidation cannot be devised. Money is power, and in that government which pays all the public officers of the States will all political power be substantially concentrated. The State governments, if governments they might then be called, would lose all their independence and dignity. The economy which now distinguishes them would be converted into a profusion limited only by the extent of the supply. Being the dependants of the general government, and looking to its treasury as the source of all their emoluments, the State officers, under whatever names they might pass, and by whatever forms their duties might be prescribed, would, in effect, be the mere stipendiaries and instruments of the central power."

"It is too obvious that such a course would subvert our well-balanced system of government, and ultimately deprive us of all the blessings now derived from our happy union."

4. *Distribution is a virtual recognition of the power of Congress to appropriate money from the national treasury for objects of local internal improvement.*—This power, which for a quarter of a century has been repudiated and disavowed by all political parties in this country, bids fair to be again recognized if the distribution policy becomes triumphant. Of what avail is it to assert that Congress cannot make a direct appropriation from the treasury for such objects, if you concede the power of Congress to do the same act indirectly by placing



its funds into the State treasuries to be applied for such purposes? What now gives energy and power to this general movement in favor of distribution? Is it not in a great measure the local internal improvement enterprises of the State? Do they not expect and are they not struggling to construct and complete their roads by federal money, first to be distributed by Congress to the States, and by the States to be transferred to them?

Upon this point, too, I take pleasure in fortifying my position by the opinion of President Jackson. In the veto message before referred to he said:

“But there are other principles asserted in the bill which would have impelled me to withhold my signature, had I not seen in it a violation of the compacts by which the United States acquired title to a large portion of the public lands. It reasserts the principle, contained in the bill authorizing a subscription to the stock of the Maysville, Washington, Paris, and Lexington Turnpike Road Company, from which I was compelled to withhold my consent, for reasons contained in my message of the 27th of May, 1830, to the House of Representatives. The leading principle then asserted was, that Congress possesses no constitutional power to appropriate any part of the moneys of the United States for objects of a local character within the States. That principle, I cannot be mistaken in supposing, has received the unequivocal sanction of the American people, and all subsequent reflection has but satisfied me more thoroughly that the interests of our people and the purity of our government, if not its existence, depend on its observance. The public lands are the common property of the United States, and the moneys arising from their sale are a part of the public revenue. This bill professes to raise from and appropriate a portion of this public revenue to certain States, providing expressly that it shall ‘be applied to objects of internal improvement or education within those States,’ and then proceeds to appropriate the balance to all the States, with the declaration that it shall be applied ‘to such purposes as the legislatures of the said respective States shall deem proper.’ The former appropriation is expressly for internal improvements or education, without qualification as to the kind of improvements, and therefore in express violation of the principle maintained in my objections to the turnpike road bill above referred to. The latter appropriation is more broad, and gives the money to be applied to any local purpose whatsoever. It will not be denied, that under the provisions of the bill a portion of the money might have been applied to making the very road to which the bill of 1830 had reference, and must, of course, come within the scope of the same principle. If the money of the United States cannot be applied to local purposes through its own agents, as little can it be permitted to be thus expended through the agency of the State governments.”

5. *Distribution is a virtual recognition of the power and duty of Congress to assume the debts of the States.*—Does not every distributionist who argues with you on the subject place prominently before you, as one of the very objects of his policy, the application of the funds to the payment of the existing debt of the States? When some years ago a resolution was introduced into the Senate of the United States declaring that the federal government had no power to assume the debt of the States, Mr. Clay, in an impassioned manner, exclaimed, “When, where, and by whom was the extravagant idea ever entertained of an assumption of the State debts by the general government?” There was not a solitary voice raised in favor of such a measure in the Senate. Little did Mr. Clay imagine that in so short a time many who now profess to be devotedly attached to his memory should be found maintaining the policy of distribution upon the express and exclusive ground that the federal government will thereby be assuming and paying so much of the debt of the States.

6. *Distribution in its operation injurious to the interests of the poor man.*—In that admirable system which has heretofore distinguished the disposition and management of our public lands, two important



results have constantly been kept in view—SETTLEMENT and REVENUE. By certainty of title and cheapness of price, proper inducements have been offered to the poor man to abandon the crowded marts of the East, and to find in the West a home where, by his hardy toil and honest labor, he may rear his family in comfort and affluence. To enable the government successfully to promote settlement—the paramount leading object of the national trust—it was essential that the price of the public lands should be fixed at a sum so reasonable as to bring the purchase within the means of every poor man in the country. Whilst the government has not been indifferent to *revenue*, it has nevertheless made that consideration subordinate to the other higher and nobler purpose of the trust. But if the system of distribution be adopted, you will immediately reverse the former wise and liberal policy of the government. Then revenue—not settlement—will become the primary, paramount, and leading object of the system; and relying as the States will upon their annual stipends from the national treasury, the government will be required to adjust prices with the scales of a Shylock, and fix the price of the land at that sum which will bring the most money into the treasury for the purpose of distribution. Settlement, as the primary policy of the government, will then be abandoned; the interests of the poor man seeking a home in the West will be disregarded amidst the clamor for large dividends, and the management and disposal of the public lands will be regulated by all the paltry and selfish considerations which govern a close corporation in making its annual report of profits to a body of hungry stockholders.

#### FROM THE DEMOCRATIC NATIONAL PLATFORMS FOR THE LAST 20 YEARS

“That the federal government is one of limited power, derived solely from the Constitution; and the grants of power made therein ought to be strictly construed by all the departments and agents of the government; and that it is inexpedient and dangerous to exercise doubtful constitutional powers.

“That the Constitution does not confer authority upon the federal government, directly or indirectly, to assume the debts of the several States, contracted for local and internal improvements or other State purposes, nor would such assumption be just or expedient.

“That the proceeds of the public lands ought to be sacredly applied to the NATIONAL objects specified in the Constitution, and that we are opposed to any law for the distribution of such proceeds among the States as alike inexpedient in policy, and REPUGNANT TO THE CONSTITUTION.”

#### WHAT WOULD BE THE AMOUNT FOR ANNUAL DISTRIBUTION?

Amongst the artifices resorted to by the opposition press to dignify the present issue, and to attract the attention and cupidity of the people, are the false and fallacious statements of the amount that would be for distribution. In this discreditable game, I regret to see that the respectable editors of the National Intelligencer have played so conspicuous a part. They have prepared tabular statements designed



for general circulation, and which have been eagerly seized upon by our editors in this State, exhibiting the total gross aggregate receipts from the public lands, from 1789 to the 1st July, 1856, amounting, according to the statement, to \$122,311,294, which they very generously proceed to distribute; and they announce the wonderfully discovery, that if this amount, instead of having been applied to the national objects specified in the Constitution, such for example as fighting the battles of our country against foreign invaders, were at this moment in the national treasury and ready for distribution, the share of Virginia would be \$9,337,773, all duly set forth in flaring capitals.

WONDERFUL DISCOVERY! And they might with equal fairness have made out tabular statements to show that if all the money which had been collected from customs, from the foundation of the government to the present time, was at this moment in the national treasury ready for distribution, what an amazing pile it would be! But I beg leave to assure the editors of the National Intelligencer, that, as poor and needy as they may suppose the people of Virginia to be, and as fond of money, they prefer their laws, liberties, institutions and independence even to the golden visions which they have portrayed before them; nor do they look back with any regret to the expenditures of the last seventy years, when they feel that the money has been nobly applied to the acquisition of their liberties, the preservation of their national independence, and the maintenance of that noble system of civil government under which we live. But why are such visionary statements placed before the popular mind? Is it not to bewilder and mislead the public judgment? Is there a sane politician in the country who would countenance a distribution of money not now in the treasury, and which during a period of seventy years has been expended in support of the government? Then why parade such statements before the popular mind, if not designed purposely to produce false hopes which they know are utterly absurd and unattainable.

The editors of the National Intelligencer, in giving to the public the gross aggregate receipts of the public lands, do not favor us with the sums with which that fund is chargeable for costs of original purchase, extinguishment of Indian titles, expenses of surveys, &c. Had they condescended to do so, we should have the remarkable idea boldly presented of distributing a fund which is already many millions in debt to the public treasury, added to the absurdity of distributing a fund which had already many years since been disposed of by Congress in accordance with the constitutional necessities of the government.

I shall supply the omission of the editors of the National Intelligencer, by the following exhibit of the charges upon the land fund:

Extinguishing Indian titles.....	\$106,179,000
Purchase of Louisiana, principal and interest.....	23,600,000
Purchase of Florida, principal and interest.....	6,500,000
Paid to Georgia.....	3,082,000
Paid to Mexico, (Mesilla purchase included).....	25,000,000
Released claims.....	6,000,000
Paid Texas.....	10,000,000
Land Office expenses, surveys and explorations.....	15,000,000

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195,361,000

But what would be the actual amount annually for distribution,



if any such unwise measure should become a law? Mr. King, of Alabama, in his report, estimated the average annual proceeds at \$1,750,000. Mr. Calhoun estimates them, in his report, in a previous part of this address, at \$2,500,000. Mr. Clay estimated them at \$3,000,000. By referring to the tabular statements contained in that curious exposition of the *National Intelligencer*, before referred to, it will be seen, that, for the last sixteen years, to wit, since 1840, there are but four years in which the amount of the proceeds of the public lands exceeded three millions of dollars; twelve years in which they fell below three millions; six years in which they fell below two millions, and one year in which they fell below one million. It is true, the receipts for the year ending the 1st of July, 1856, were \$8,917,644; and yet we are informed by the Secretary of the Treasury, in his last annual report, that the receipts for the first quarter, of the present fiscal year, have fallen below the corresponding quarter of the last year \$1,463,345 48, rendering it probable that the receipts for the present year will not much exceed three millions of dollars.

I think it may then be fairly assumed that the annual average proceeds of the public lands are about \$3,000,000, of which sum, upon the principle of all the bills which have heretofore been presented and passed, Virginia would receive \$141,666—a sum not sufficient to construct five miles of railroad a year, and not sufficient, if so applied, to diminish, in any perceptible degree, the burden of our existing taxes.

I cannot withhold the following characteristic specimen of Mr. Benton's style of oratory, which exhibits, in a striking manner, the small game which the distributionists are pursuing. Speaking in the Senate in 1841 on the Land Distribution bill, he said:

"I scorn the bill. I scout its vaunted popularity. I detest it. Nor can I conceive of an object more pitiable and contemptible than that of the demagogue haranguing for votes, and exhibiting his tables of dollars and acres, in order to show each voter, or each State, how much money they will be able to obtain from the treasury if the land bill passes. Such haranguing, and such exhibition is the address of impudence and knavery to supposed ignorance, meanness, and folly. It is treating the people as if they were penny-wise and pound-foolish, and still more mean than foolish. Why, the land revenue, after deducting the expenses, if fairly divided among the people, would not exceed nine-pence a head per annum; if fairly divided among the States, and applied to their debts, it would not supersede above nine-pence per annum of taxation upon the units of the population. The day for land sales has gone by. The sales of this year do not exceed a million and a half of dollars, which would not leave more than a million for distribution, which, among sixteen millions of people, would be exactly four pence half-penny, Virginia money, per head; a *flip* in New York, and a *picailon* in Louisiana. At two millions, it would be nine pence a head in Virginia, equivalent to a *levy* in New York, and a *but* in Louisiana! precisely the amount which, in specie times, a gentleman gives to a negro boy for holding his horse a minute at the door. And for this miserable dole—this insignificant subdivision of a shilling—a York shilling—can the demagogue suppose that the people are base enough to violate their Constitution—mean enough to surrender the defence of their country, and stupid enough to be taxed in their coffee, tea, salt, sugar, coats, hats, blankets, shoes, shirts, and every article of comfort, decency, or necessity, which they eat, drink or wear, or on which they stand, sit, sleep, or lie?"

And yet, with no professed object in view but to plunder the national treasury of this contemptible pittance, and then to supply that deficiency thus created by a new tax upon consumption, has a bold and defiant issue been joined this spring with the democratic party; the opposition press of this State everywhere glittering in steel and calling to arms; conventions summoned to bring forth candidates for Congress and for the general assembly; and even some well meaning and most excellent democrats seduced from their allegiance to confederate



with the bitter and uncompromising enemies of their party and principles.

#### TARIFF OF 1857.

The time selected for the revival of the distribution policy is not less remarkable than the policy itself. When it was urged upon the consideration of Congress between 1833 and 1841, there was then this palliation for it, to wit, that the tariff was then regulated by a *formal compact* for a period of *nine years*, and under which compact there would necessarily be a surplus in the treasury resulting from duties on imports. But now it is sought to be revived upon the heel of the legislation of the last Congress reducing the receipts from customs below the revenue standard of the government. The average expenditures of the federal government is now ascertained to be, with our immensely extended territory, about \$48,000,000 a year. The rate of taxation during the last session of Congress has been so reduced, in connexion with the extended list of free articles, that by the tariff which goes into operation on the 1st of July, 1857, the revenue, if the importations of the present year and coming year be the same, will be diminished some \$17,000,000, making our revenue from customs for the next fiscal year some \$47,000,000—one million less than the ordinary expenses of the government. We looked to the public lands as supplying at least \$3,000,000 more, which would give a federal revenue of 50,000,000 against an expenditure of \$48,000,000, leaving but \$2,000,000 to cover those contingencies to which every government is liable. Withdraw from the national treasury the proceeds of the lands, and it is manifest, from this statement, the revenue will fall below the average expenses of the government. Congress would then be compelled to recede from the advances which it made last winter in the direction of free trade, and to revive the burdens which it has heretofore imposed upon the commercial industry of the nation. This would be especially unfortunate, in view of the fact, that, by the tariff which goes into operation on the 1st of July, 1857, many articles which enter into the mechanical labor of the country, and add to the profit of the mechanic, without injury to the consumer, are placed upon the free list, or pay a mere nominal duty. Looking, then, to the necessary operation of the tariff of 1857 upon the interests of the mechanic, and regarding distribution as inconsistent with the provisions and policy of that act, I can but regard every movement to promote distribution at this time but as a blow deliberately aimed at the mechanical interests of the country.

#### MR. CLAY.—HIS BILL IN 1832.

No politician was in principle more opposed to distribution than Mr. Clay. To that extent, at least, he retained the benefits of his early republican training, and coincided with the policy of the democratic party. Many passages might be extracted from his speeches in proof of this fact; but I will content myself with two. In his speech of January 28, 1841, he said:

“The republican party of 1798, in whose school I was brought up, and to whose rule of interpreting the Constitution I have ever adhered, maintained that this was a limited government; that it had no powers but granted powers, or powers necessary and proper to carry



into effect the granted powers ; and that, in any given instance of the exercise of power, it was necessary to show the specific grant of it, or that the proposed measure was necessary and proper to carry into effect the granted powers ; and that in any given instance of the exercise of power, it was necessary to show the specific grant of it, or that the proposed measure was necessary and proper to carry into effect a specifically granted power or powers."

" *There is, then, I repeat, no power or authority in the general government to lay and collect taxes, in order to distribute the proceeds among the States.* Such a financial project, if any administration were mad enough to adopt it, would be a FLAGRANT USURPATION."

Again : Mr. Clay, upon another occasion, said :

" For one, however, I will again repeat the declaration which I made early in the session, that I unite cordially with those who condemn the application of any principle of distribution among the several States to surplus revenue derived from taxation."

It is true, Mr. Clay modified his opinions upon this subject so far as he yielded his assent to the bill for the distribution of the proceeds of the public lands ; and yet it is difficult to see any distinction, either in principle or practical results, between a distribution from the national treasury of moneys collected from customs, or moneys derived from the sale of the public lands. They both do now, and have from the foundation of the government, constituted the revenue of the Union ; and the same objections must apply to the withdrawal of either for the purposes of gift or donation to the States. Mr. Clay was a bold and dashing politician. He did not permit himself in the latter period of his life to be trammelled by nice constitutional limitations. His construction of the power of the national government became broad, liberal, and Hamiltonian ; and when the political necessity was sufficiently urgent, he never failed to see in the Constitution ample authority to do anything which he believed to be essential to the interests of the country. Originally opposed to a national bank as a measure in conflict with the Constitution of the United States, he promptly sacrificed his constitutional objections when he believed the necessities of the government required such an instrument of finance. Clear in his opinions as to the rights of the people of the south to an unrestricted enjoyment of the benefits of the public domain, he nevertheless did not hesitate, when the hurricane of 1820 was passing over the country, with the hope of staying its destructive ravages, to give his approval to that unconstitutional prohibition by which the people of the south were excluded from any fair participation in the occupation and settlement of two-thirds of the national territory. So in 1832, as deeply impressed as he was with the inexpediency and unconstitutionality of distribution, he, nevertheless, with a view, as he believed, of saving the public lands from being ceded to the States in which they lay, recommended a plan for the distribution of their proceeds amongst the States. Time does not permit me to go into any extended history of the events of that day. It may be sufficient to say that powerful influences were at work to force from Congress a cession of the public lands to the land States. A proposition to cede prospectively, after the 1st of July, 1835, all the lands remaining unsold on that day, had actually passed the Senate, but was defeated in the House. The proposition to inquire into the expediency of making a cession of these lands to the land States was, in 1832, against his own solemn protestations, referred by the Senate to Mr. Clay, as chairman of the Committee on Manufactures, for a report. He believed the condition of the land question at that time to be such that either the government must sur-



render its interests in the lands to the States in which they lay, or adopt some other measure less objectionable. From this emergency resulted his bill for the distribution of the proceeds of their sale—a measure which, I believe, he would not at that day have sanctioned if he had not believed it was the only alternative for cession.

Accordingly, in his celebrated report, he says :

“ A majority of the committee believes it better as an alternative for the scheme of cession to the new States, and as being most likely to give general satisfaction, that the residue be divided among the twenty-four States, according to their federal representative population,” &c., &c.

And again, at a subsequent period, when the same measure was before the Senate, brought forward by Mr. Crittenden, he and his party were reproached with attempts to force it upon the country. Mr. Clay, referring to certain projects before the Senate to squander the public domain, and among others cessions to the land States of the whole within their limits, said :

“ Under these circumstances, my colleague presents a conservative measure, and proposes, in lieu of one of these wasteful projects by way of amendment, an equitable distribution among all the States of the avails of the public lands. With what propriety, then, can it be said that we, who are acting solely on the defensive, have forced the measure upon our opponents? Let them withdraw their bill, and I will answer for it that my colleague will withdraw his amendment, and will not at this session press any measure of distribution. No, sir ; no.”

I am prepared to do Mr. Clay the justice to say that his bill did accomplish the great object which its illustrious author had in view when he introduced it. It has performed its function. It destroyed the greater monster cession. For fifteen years we have seen no man rise in either House of Congress the advocate of ceding the public lands to the States. We hear of no such class of politicians now in the country ; and it is well known that Mr. Clay himself, although a long time in Congress subsequent to 1844, was never known after that day to revive any such proposition again in that body.

#### WEBSTER, RIVES, BENTON.

It is manifest to all who have read the extracts previously taken from the speeches of Mr. Webster, that, with his strong constitutional impressions of the public lands being a public fund for the common benefit of the United States in their federal capacity, he must have yielded a very reluctant assent to the proposition to divide these funds amongst the States for their separate use. I have therefore sought, with no little labor, to find amongst his writings or speeches some argument in support of that proposition. But I have looked in vain. Although in Congress many years, during which time the bill was pressed upon the country, and when, doubtless, as a party measure, he gave it his vote, I can find no vindication by him, in that body, of a policy so directly in conflict with his earlier and unanswerable opinions on that subject.

Knowing, too, that Mr. Rives was one of the Whig senators from Virginia, at the extra session of 1841, when the bankrupt bill, the land distribution bill, and a batch of similar measures were forced upon the country, destined scarcely to survive the Congress which passed them, I felt curious to know what a senator from Virginia, raised at the feet of James Madison, and intimate with Jefferson,



could say in support of a measure so directly in conflict with all the teachings of these great masters. Mr. Rives voted for the bill—Mr. Rives made a speech in the Senate in support of the bill—Mr. Rives procured his notes of the reporter for revision—a vacant space appears in the index of the Congressional Globe inviting its insertion. Mr. Rives yet lives, but no speech of Mr. Rives has yet appeared to vindicate his position on that occasion. Did he find, when he came to review his position, and in the still and quiet repose of his chamber to ponder over the principles involved in that measure, that they were such as he could not exactly reconcile to his judgment and patriotism? Did a more careful scrutiny satisfy him that his arguments were fallacious and his positions irreconcilable with the true theory and with the honest practice of the government? Did he shrink from a submission of the grounds of his opinion to the stern and impartial judgment of his State? And was he content to let it pass as the vote of the mere partisan, to be defended upon such considerations as might justify and excuse an exact compliance with the behests of party?

This suppression by Mr. Rives of his speech on the land distribution question is the more remarkable after the assault which was made upon it by Mr. Benton, who followed in immediate reply. If there ever was an occasion which required a senator from Virginia to show "the reasons for the faith that was in him," it was when giving a vote in direct conflict with the sentiment of the State which he represented, and when his positions were assailed with the uncompromising denunciation which marked the reply of his antagonist. The reply of Mr. Benton is long, and I shall only extract a few words from its exordium, to show the obligation which devolved upon Mr. Rives to explain the grounds of his vote to the people of Virginia.

"Mr. Benton rose after Mr. Rives, and inquired of him whether he had understood him aright, in understanding that he voted for this bill, among other reasons, because it put an end to the scheme for graduating the price of the public lands—put an end to the scheme of ceding the lands to the new States—put an end to the land question, and saved the lands from being seized upon hereafter by the new States to the exclusion of the old ones. (Mr. Rives nodded assent.) Then, exclaimed Mr. Benton, I have you! You commit a fraud in giving that vote, and it is my duty to detect and expose it. Your vote is a fraud. (Loud calls to order interrupted Mr. B., and the President of the Senate declared it to be a breach of order to impute fraud to Senators.) I know it is, said Mr. B., and that the breach of order is the greater on this occasion, because I impute no intentional fraud to the gentleman. His vote operates a fraud, and it is my duty to show it; but I know him to be incapable of intentionally committing fraud. It is the effect of his vote, coupled with the reason which he has given; and while I proceed to show, I disclaim all intention of impugning motives, and making this disclaimer, not as matter of form under parliamentary rule, but in substance and in fact, as an act of justice and of duty, and under a sense of what is due men of honor. But his vote operates a fraud, a serious one, upon the new States—affecting their rights and interests, and which it is my duty to detect and expose. Understood as he understands the bill, and to be acted upon according to that understanding, and it is a flat contradiction of what the bill professes, a nullification of the clause inserted for the benefit of the new States, and a mockery of the conditions upon which the passage of the bill is obtained. This is harsh language, but not more harsh than true, and more easily proved than uttered.

#### DOES VIRGINIA DERIVE NO BENEFIT FROM THE PUBLIC LANDS?

Notwithstanding the clear and unanswerable exposition of facts contained in this address, we shall still, as in the days of our revolutionary struggle, have our Johnny Hooks running through the country, exclaiming beef! beef! money! money! land! land! and declaring that Virginia derives no benefit from the public domain, but



that all its advantages are monopolized by the southern and north-western land States. Is this true? Does not Virginia derive every benefit from the public lands, and in a higher and greater degree than she herself anticipated when she united with her sister States in a surrender of them to the federal government? Were they not granted for the "common defence and support of the Union," and have their proceeds not been so applied? Have they not gone into your national treasury, and been applied to pay off the debts of your revolutionary war? of your second war of independence? and of the Mexican war? to the maintenance of your army, your navy, and your judiciary—to defend you in war, and give wings to your commerce in peace? Did she not make large reservations of land between the Scioto and Miami rivers for the benefit of her officers and soldiers of the revolutionary war? and have not these reservations been most liberally and bountifully applied to their relief, and in amount far beyond their extent? Did she not impose it as a condition of the grant, "that the territory so ceded shall be laid out and formed into States, containing a suitable extent of territory, and that the States so formed shall be distinct republican States, and admitted members of the federal Union, having the same rights of sovereignty, freedom, and independence as the other States?" And has not this condition been faithfully fulfilled? Five free, prosperous, and sovereign States—co-equal members of our federal alliance—now occupy that Territory, which at the period of the grant was the cheerless abode of the untutored savage and the untameable wild beast. From every part of that then wild and uncultivated wilderness is now heard the voice of Christian and civilized man, doing homage to his great creator, and rejoicing in the blessings of the freest and noblest system of popular government which the world has ever seen. Is it no source of pride to Virginia? Does it inspire her with no lofty reminiscences to reflect that she has had some agency in this mighty work of Christianity, civilization, and liberty? But what is meant by those who say the people of Virginia derive no benefit from these public lands? Who, in their opinion, are the people of Virginia? Are they those alone who happen to be presidents, stockholders, or persons interested in railroad corporations? Is it even alone the rich, the high born, the prosperous, the wealthy, who feel that they are in the enjoyment of a goodly heritage of broad acres, and who are content to spend their lives under the shades of their patrimonial oaks? Are there no other persons born upon our soil who are entitled to be called the people of Virginia? Are there no poor, no destitute, no unfortunate, and no heart-broken amongst our people, who, unblessed by the advantages of birth and fortune, have, for the last fifty years, are now, and will for centuries yet to come, look to our great possessions in the West, as a refuge where they can find a cheap home, and protect themselves and their children from penury and want. Every poor man in Virginia feels at this moment that he has, under our present system, a valuable appreciable interest in the public domain, of which he can avail himself at any moment, and which he would be very reluctant to surrender. Again, has not Virginia, in common with her sister States, derived a large benefit from these public lands, in the vast increase of



consumers which it has added to the country, and who, by contributing their proportion to the general expenditures of the federal government, lessen the burden which would otherwise fall upon her people? The celebrated EDMUND BURKE, in his speech recommending that the forest lands of the British crown should be brought into market and converted into private property, at a moderate price, laid down the following just and profound maxims of political economy:

"The revenue to be derived from the sale of the forest lands will not be so considerable as many have imagined; and I conceive it would be unwise to screw it up to the utmost, or even to suffer bidders to enhance according to their eagerness, wherein the expense of that purchase may weaken the capital to be employed in their cultivation. \* \* \* The principal revenue which I propose to draw from these uncultivated wastes is to spring from the improvement and population of the kingdom, events infinitely more advantageous to the revenues of the crown, than the rents of the best landed estates which it can hold. \* \* \* It is thus that I would dispose of the unprofitable landed estates of the crown, throw them into the mass of private property, by which they will come, through the course of circulation, and through the political secretions of the State, into well regulated revenue."

The history of the landed system of our country furnishes the most convincing proof of the value of cultivation. At the time that public lands were first acquired by the United States, the most extraordinary expectations were indulged in with reference to them. It was supposed that they could be converted into the means at once of paying off the large public debt, of supporting the government, and after doing all this, of leaving a nice sum over and above what would be required for these purposes. The experience of the government for seventy years has exposed the fallacy of these expectations, and established conclusively that it is from their cultivation, and not their sale, that great benefit is to be derived. The products from sale have been proportionately meagre, whilst the revenue from cultivation has defrayed the expenses of three wars, and enabled the government to be supported in a style infinitely beyond the expectation of those who framed it. The gross proceeds of the sales of the public lands has been but a little over \$122,000,000, whilst that derived from the customs, after paying all the expenses of collection, amounts to \$1,000,000,000. "This immense amount of revenue springs from the use of soil reduced to private property. For the duties are derived from imported goods; the goods are received in exchange for exports; and the exports, with a small reduction for the profits of the sea, are the produce of the farm and forest. This is but half the picture. The other half must be shown, and will display the cultivation of the soil, in its immense exports, as giving birth to commerce and navigation, and supplying employment to all the trades connected with these two grand branches of national industry, while the business of selling the land is a meagre and leaner operation. Whilst such has been the difference between sale and cultivation, no powers of calculation can carry out the difference and show what it will be; for whilst the sale of the land is a single operation, and can be performed but once, the extraction of revenue from its cultivation is an annual and perpetual process, increasing in productiveness through all time with the increase of population, the amelioration of soil, the improvement of the country, and the application of science to the industrial pursuits."

What possible benefit, in the very nature of things, could Virginia derive from the public lands that she does not now enjoy? Unlike Alabama, Florida, Louisiana, Mississippi, Arkansas, &c., she has



none of the public domain within her limits; and whilst therefore she cannot participate in the incidental benefits derived from having them within her borders, so likewise is she not exposed to the burdens, disadvantages, and annoyances incident to having immense wastes of land without cultivation or improvement, in a state yielding no revenue and paying no taxes. With the single exception, then, of such advantages as might accrue to her from having the public lands within her limits, of what other is she deprived? The proceeds of their sale go into the common treasury of the Union, and to that extent diminish taxes which her people would otherwise have to pay. Her poor can there find cheap homes, embracing every variety of soil, climate, and production. Her married men, if they do not choose to take up their abode in the new States, may invest their spare cash for the advantage of their children, looking to the day when population and settlement will have given increased value to the investment; and in this act of provident foresight they are protected by compacts between the federal government and the States, by which the latter forever debar themselves of the right of making any injurious discrimination in the matter of taxation between resident and non-resident proprietors. I again repeat, what higher or other benefit can it be possible to give to Virginia on the public domain?

#### IS VIRGINIA ON THE DECLINE?

This is one of those favorite topics upon which the distributionists, chiming in with the abolition orators of the north, and stealing from them both their figures of speech and figures of arithmetic, descant with more than their customary eloquence and power. We are told Virginia is poor and oppressed by debt; that her population is rapidly flying beyond her limits; that her lands are depreciating in value, and that we shall soon return to our primeval condition of a wilderness, unless we can get from the national treasury our dividend of the land fund—a fund averaging a little more than ten cents per head to each white inhabitant of the State. Our condition is feelingly compared with that of Indiana, Illinois, and Iowa, &c., and their rapid growth contrasted with our rapid and hopeless decline. It is true that Virginia, taken altogether as a State, does not exhibit at this time the rapid growth which we see in the young republics of the northwest. It would be strange, indeed, if it were so—quite as strange as if a man of mature years should grow as rapidly in height as a boy of fourteen. But to assert that Virginia is declining in wealth, population, improvement, or anything else that contributes to form the material power of a great commonwealth, is utterly false and unfounded, and exhibits a total unacquaintance with her actual condition. In the extent, value, and variety of our mineral resources, ours is beyond all question the richest State in the Union, and the time is near at hand when they will be in the full progress of development. Our population is surely and steadily on the increase; our lands are becoming every day more productive; large wastes are being brought into successful cultivation; public improvements are penetrating every portion of the State, and immigration is seeking the advantages of our genial climate and adding every day to our resources and capacity to bear taxation.



The official statistics of our State, which have just come to hand, enable us very conclusively to overthrow the theories of the northern abolition writers and the southern distribution advocates, founded upon the supposed decline of Virginia. The returns of the recent reassessment of the real estate of this commonwealth exhibits an extent of progress and improvement of the highest and most gratifying character. By referring to the reassessment of lands made in 1856, and comparing it with the assessment made in 1850, less than six years ago, it will be seen that within that short time there has been an increase in the value of real estate of upwards of ONE HUNDRED MILLION OF DOLLARS.

Total assessment of 1850..... \$274,680,226  
Total assessment of 1856..... 376,297,227

Assessment of 1856 over that of 1850..... 101,617,001

As the result in each of the counties in this congressional district cannot fail to be a subject of interest to the public, I herewith insert them.

Counties.	Assessment of 1850.	Assessment of 1856.	Increase per cent.
Berkeley .....	\$4,408,018	\$5,097,188	15
Clarke .....	3,381,165	3,832,537	13
Frederick .....	3,256,112	5,742,751	76
Hampshire .....	2,963,778	3,863,845	30
Jefferson .....	6,135,047	6,708,899	9
Loudon .....	9,156,846	11,600,097	26
Morgan .....	687,259	727,152	6
Page .....	1,701,563	2,100,422	23
Warren .....	1,594,217	2,200,099	38
	33,284,005	41,872,990	-----

Increase of value in gross..... \$8,588,985

Per-centage of increase..... 25 per cent.

There is another subject developed by the recent assessment of striking interest to every Virginia statesman, and that is the rapid increase of population and rapid appreciation of property observable in many portions of the western part of this State. To enable you to form some judgment of this gratifying fact, I hereunto append the results from several of those counties.

Counties.	Assessment of 1850.	Assessment of 1856.	Increase per cent.
Braxton .....	\$495,647	\$1,120,293	125
Carrol .....	440,812	4,282,451	871
Floyd .....	658,951	1,615,068	145
Preston .....	1,168,799	2,980,604	155
Raleigh .....	240,504	510,266	112
Wyoming .....	127,397	380,196	198
	3,132,110	10,888,878	-----

Increase of value in gross..... \$7,756,768

Per-centage of increase..... 248 per cent.



Is there anything in the progress of Illinois, Indiana, or Iowa, or any of the new and growing communities of the northwest, that can exhibit an advancement in wealth more striking and wonderful than these? And yet in attaining these results Virginia has not had to depend upon the charities of the national government. She has not had to feed upon the crumbs that fall from the table of the federal Dives—to invoke the aid of that annual gratuity more fatal to her than the cup of Circe which the distributionists are so loudly clamoring for; nor has she been compelled so far to sell her birthright for a mess of pottage.

SELF-RELIANCE is the great element of success in this world with States and with individuals. Teach your sons to work—teach them to look to their own labor as the means of living—teach them to rely upon the energies and resources that they find within themselves, and you will have taught them a lesson of far greater value than all the lands and slaves which you can bequeath to them. A child differently reared will, in nine cases out of ten, prove a burden to himself and a curse to his parents. So it is with nations and States. Virginia can alone prosper by the labor, the enterprise, the means of Virginia. Let the distributionist succeed in instilling his fatal poison into the public mind—let him succeed in persuading the people of Virginia that their proper policy is to depend not upon themselves, but upon the strong arm of the federal government—that they are too poor or too proud to work, and that their necessities should be supplied from the overflowings of the national treasury—and you will not only arrest the now onward march of material improvements in this State, but you will so enervate and emasculate your people as to make them unfit depositaries of that high and holy trust of popular government under which they at this moment live in such prosperity and happiness.

#### DEPOSIT AND DISTRIBUTION.

These two terms should not be confounded. In our political vocabulary there is a wide and palpable distinction between them, both in principle and practice. Virginia, in 1837, received two millions assigned to her as a *deposit*: whilst in 1842 she rejected the forty thousand dollars tendered to her as her portion of the *distribution* fund. The first, she believed she might accept in strict accordance with the Constitution; the latter, she thought could not be accepted without becoming a party to a gross violation of that instrument. *Distribution* is a term by which we characterize the grant of public money from the national treasury without equivalent or consideration—a grant for no object specified in the Constitution, and with no stipulation to return it if required by the further necessities of the national treasury. In other words, it is a *pure gift* of the public money which the Constitution confers no authority upon Congress to make. A *deposit* by the federal government with the States is, where, there having arisen an unexpected surplus in the treasury, it is placed in the custody of the States under a distinct agreement to refund it, if ever thereafter the necessities of the national treasury should require it.

I have already shown you that Mr. Clay and Mr. Webster both concurred with the whole mass of Democratic statesmen in declaring a *distribution* amongst the States of a surplus revenue arising from taxation to be in violation of the Constitution, and a flagrant act of usurpation. They, however, did concur with Democratic statesmen in regarding a *deposit* of the same surplus amongst the States as eminently wise and proper when made in 1836, and as being in strict accordance with the Constitution.

A very brief reference to the facts connected with the deposit act of 1836 will doubtless be acceptable to the people, and throw some light on this subject.

A surplus of \$36,000,000 had accumulated in our national treasury in the year 1836. A proposition to *deposit* that surplus with the States was made by Mr. Calhoun, and sustained in debate by Webster, Buchanan, Clay, Rives, Leigh, King, of Alabama, Crittenden, &c. It passed the Senate by a vote of 39 to 6, the House of Representatives by a vote of 156 to 38, and was approved by Andrew Jackson, then President of the United States.



The annals of Congress might be in vain searched for such a concurrence of sentiment amongst the political leaders of that day, upon an important question of public policy. They all agreed in the wisdom and constitutionality of a *deposit* of this surplus amongst the States, and yet not one of the distinguished men above referred to would have, for one moment, sanctioned a *distribution* of the same money amongst the States.

The precise provisions of the bill, with the grounds of its support, may be gathered from the accompanying copy of the bill as it passed Congress on the 23d of June, 1836, with a few extracts from the remarks of some of the leading statesmen who gave to it their support.

### THE BILL.

*Be it enacted*, That the money which shall be in the Treasury of the United States on the first day of January, 1837, (reserving the sum of five millions of dollars,) shall be deposited with such of the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall, by law, authorize their treasurers or other competent authorities, to receive the same, on the terms hereinafter specified; and the Secretary of the Treasury shall deliver the same to such treasurers or other competent authorities, on receiving certificates of deposit therefor, signed by such competent authorities, in such form as may be prescribed by the Secretary aforesaid, which certificates shall express the usual and legal obligations, and pledge the faith of the States for the safe-keeping and repayment thereof, and shall pledge the faith of the States receiving the same to pay the said moneys, and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury, for the purpose of defraying any wants of the public treasury, beyond the amount of the five millions aforesaid: *Provided*, That if any State declines to receive its proportion of the surplus aforesaid, on the terms before named, the same shall be deposited with the other States agreeing to accept the same on deposit in the proportion aforesaid: *And provided further*, That when said money, or any part thereof, shall be wanted by the said Secretary, to meet appropriations by law, the same shall be called for, in rateable proportion, within one year, as nearly as conveniently may be, from the different States, with which the same is deposited, and shall not be called for in sums exceeding ten thousand dollars from any one State in any one month, without previous notice of thirty days for every additional sum of twenty thousand dollars, which may at any time be required.

Mr. BUCHANAN said:

"What, then, is the true nature of the measure now before the Senate? It is a deposit with the States in form, and a deposit in effect. It is no distribution—no gift of the public money. The bill requires the States receiving the money to deliver to the Secretary of the Treasury certificates of deposit for such amounts, and in such form as he may prescribe—payable to the United States or their assigns; and, without any direction from Congress, he is authorized to sell and assign these certificates, rateably, in proportion to the sums received, and thus convert them into money whenever it shall become necessary for the payment of any of the appropriations made by Congress. How any constitutional objection can arise to this disposition of the public money, I am utterly at a loss to conceive. In order to maintain such an objection, gentlemen must establish the position that Congress do not possess the power of depositing the public money where they think proper. This would, indeed, be a Herculean task.

"This bill provides merely for a deposit of the public money with the States; not for a donation of it to them. In its terms and in its spirit, it proposes nothing more than to make the State treasuries the depositories of a portion of the public money, instead of the deposit banks. If the States should derive incidental advantages from the use of this money, without interest, the deposit banks have heretofore used it, and, under the provisions of this bill, will continue to use it, upon the very same terms, to the extent of one-fourth of their capitals. Surely no senator upon this floor can complain of the benefits which may be conferred upon the States by the adoption of this measure."

Mr. CALHOUN said, in his speech delivered on the passage of the bill:

"But the plan proposed is supported by its justice, as well as these high considerations of political expediency. The surplus money in the treasury is not ours. It properly belongs to those who made it, from whom it has been unjustly taken. I hold it an unquestionable principle that the government has no right to take a cent from the people beyond what is necessary to meet its legitimate and constitutional wants. To take more intentionally would be robbery; and if the government has not incurred the guilt in the present case, its exemption can only be found in its folly—the folly of not seeing and guarding against a vast excess of revenue, which the most ordinary understanding ought to have foreseen and prevented. I it were in our power—if we could ascertain from whom the vast amount now in the treasury was improperly taken, justice would demand that it should be returned to its lawful owners. But, as that is impossible, the measure next best, as approaching nearest to restitution, is that which is proposed, to deposit it in the treasuries of the several States, which will place



it under the disposition of the immediate representatives of the people, to be used by them as they may think fit, till the wants of the government may require its return."

Mr. Calhoun, six years afterwards, referring, to it in January, 1841, with satisfaction to the course which he had then pursued, made the following reference to the deposit bill of 1836 :

"I regarded it then, and still do, as simply a deposit. But while I regarded it as a deposit I did then and now do believe that it should never be withdrawn but in the event of war, when it would be found a valuable resource. The surplus was not lawfully collected. Congress had no right to take a cent from the people but for the just and constitutional wants of the country. To take more, or for other purposes, is neither more nor less than robbing—more criminal for being perpetrated by a trustee appointed to guard their interest. It, in fact, belonged to those from whom it was unjustly plundered ; and if the individual and the share of each could have been ascertained it ought, upon every principle of justice, to have been returned to them. But as that was impossible, the nearest practicable approach to justice was to return it proportionately to the States as a deposit till wanted for the use of the people from whom it was unjustly taken, instead of leaving it with the banks for the benefit of speculators and stock-jobbers. So far from this (being distribution) the deposite act, whether viewed in the causes which led to it, or its object and effects, stands in *direct contrast* with it. 3d vol. p. 581.

On the 20th of December, 1836, Virginia passed an act declaring her willingness to accept her proportion of the deposits, and in the preamble of that act expressed the following sound and just opinions :

"That while the general assembly regard any system of taxation by the Federal Government producing more revenue than is necessary for the wants of the government economically administered, as impolitic and unjust ; and denies the right of the Congress of the United States to raise revenue *for the purpose* of deposit or distribution amongst the States. Nevertheless believing the surplus money in the treasury to have arisen under extraordinary circumstances, not likely to continue, and considering the provisions of said act to be a temporary expedient to relieve a redundant treasury, and being willing in good faith under such circumstances to receive the proportion of said surplus proposed to be deposited with the State of Virginia—therefore be it enacted, &c."

At this period the trade and industry of our State was suffering materially from a deficiency of banking capital. The general assembly, therefore, increased the capital of the existing banks \$4,600,000, reserving to herself a right to subscribe one moiety of the increase, and investing \$2,000,000 of the amount received from the federal government in the capital stock of her banks. This deposit we have had for near 21 years, without accountability for a dollar of interest ; we have never been called upon to refund any part of it to the federal government ; and our State treasury has in the form of bank taxes and dividends realized from that deposit near *four millions of dollars*, which have been applied to relieve the farmer and mechanic from the payment of so much taxes, which otherwise must have been assessed upon his lands and labor. Since that deposit has been made with the States we have had a foreign war, we have added by purchase almost an empire to our former territory, incurred, and nearly paid off a debt of \$100,000,000, and yet no demand has been made by the federal government upon the State for any portion of its funds, now in their custody.

It may be asked if the federal government does not exercise its right to call for this money, what substantial difference is there between distribution and a deposit ? The difference is vital both in the power asserted and in the practical operation of the principles involved. Congress may *deposit*—it cannot constitutinally *distribute*. Again, distribution, as proposed, is to be an act of annual recurrence, a fixed and established policy, causing an habitual dependance of the States upon the federal government for their annuities, stimulating them



to extravagance by an absence of all responsibility for its return, and creating a surplus for the mere purpose of distribution. Whilst a deposit, so far as it has ever been countenanced by any respectable statesman in this country, can only be of rare occurrence, growing out of an unforeseen and unexpected condition of the treasury, designed as a temporary expedient to relieve its *plethora*, and always accompanied by efficient legislation to arrest the recurrence of a similar surplus. The one is advocated as a regular mode of supplying a State with the means of expenditure; the other is justified as a rare and occasional alternative to protect the currency and business of the nation from evils of the most disturbing and alarming character.

I can think of but one contingency in which it is probable that the federal government will ever call upon the States for the sums deposited with them, and that might take place, if we should ever be involved in a war with some great naval power like Great Britain, when our commerce might be swept from the ocean and the federal revenues from imports wholly cut off. And in that event a call upon the States would be far less onerous to the people than a resort to direct taxation, a power vested in Congress by the Constitution, and which it exercised in 1813-'14 during our late war with Great Britain.

The condition of our treasury during the session of the late Congress was not unlike what it was in 1836, when the deposit act of that year passed. Owing to causes wholly unforeseen and unexpected we found that we should have, under the existing rate of duties, a surplus in the treasury on the 30th of June, 1857, of \$25,000,000, and on the 30th of June, 1858, of \$50,000,000, all of which being in specie, taken from general circulation and locked up in the treasury, could not fail to derange the monied affairs of the country and spread bankruptcy and ruin from one extremity of the Union to the other. To guard against these evils it became our imperative duty to reduce the duties on imports, and thus lessen the revenue. This we did, but our new tariff could only go into operation at the beginning of the new fiscal year, the 1st of July, 1857. It could not therefore affect the surplus of \$25,000,000 which would be in the treasury on that day. What was to be done with that surplus? If there had been any just national and constitutional objects demanding that expenditure, and of which there was any probability it would have been so applied, I should have preferred that direction to have been given to it. But we had conclusive evidence, by the rejection of the bill for constructing ten steam sloops, and other bills of equal national importance, that no hope could be entertained of giving that direction to the surplus, but on the contrary, that our redundant treasury was stimulating to wild, corrupting, and extravagant schemes of expenditure. With this state of facts before me—and the Committee of Ways and Means having reported a bill framed upon the principles of the act of 1836, to deposit that surplus with the States, I cast my vote without hesitation for the bill. It passed the House of Representatives by a very decided vote, I think by a majority of 40, but was lost in the Senate from their inability, as I learn, to reach it before the close of Congress, from the pressure of other business having precedence over it.

Had the bill passed, the share or proportion of the fund falling to



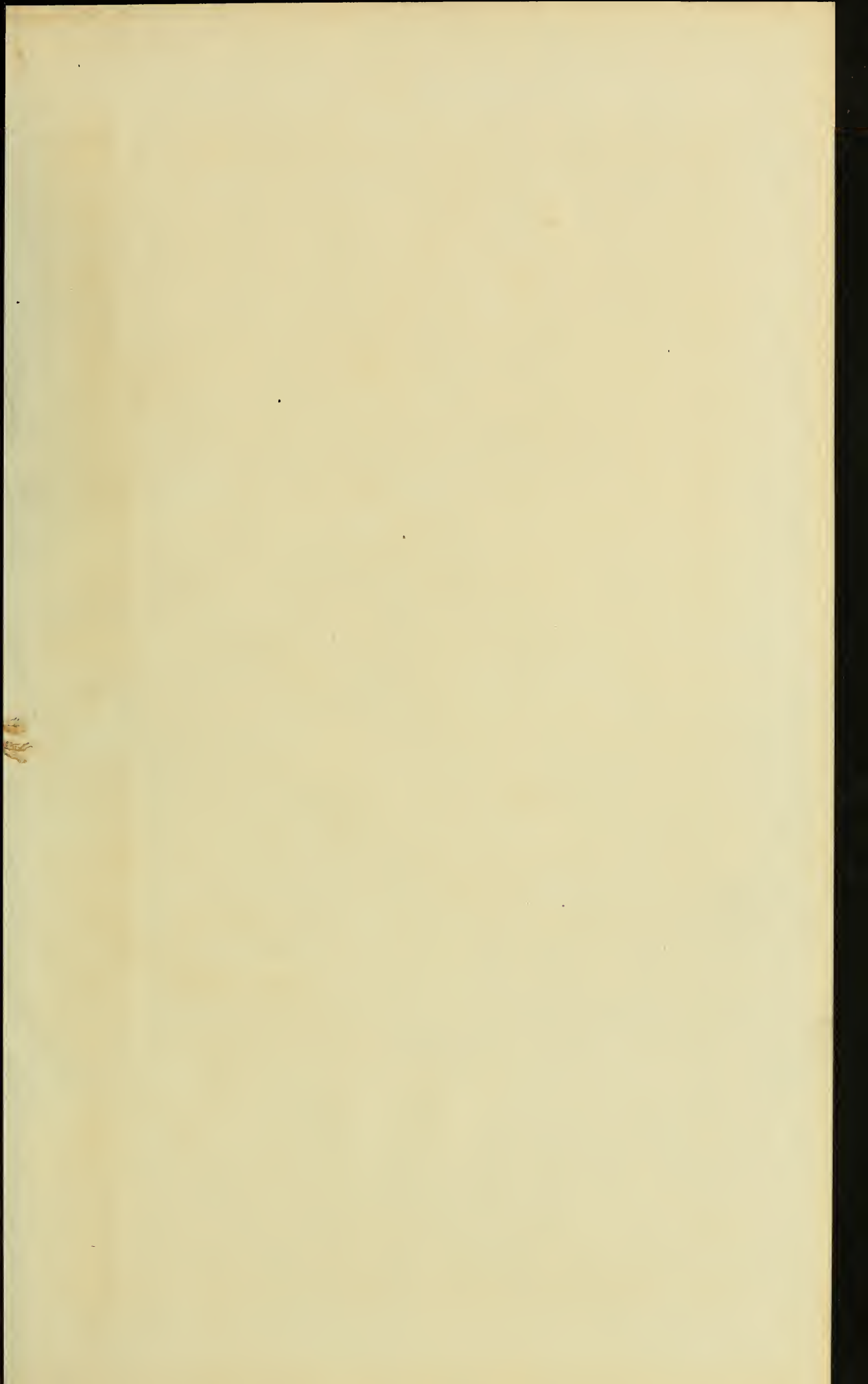
Virginia would have been not far short of two millions of dollars, which, if invested as it was in 1836, would lessen your taxes annually some two hundred thousand dollars.

I have made this reference to my vote on the deposit bill of the last Congress with no view or expectation of conciliating the distributionists of this district. I see no evidence in their course that they are actuated by any sincere desire to lessen the burdens or to advance the interests of the people. I may expect, therefore, rather to exasperate than appease them, when I demonstrate the utter insignificance of their plans for the relief of the people, and how much more beneficial to the Commonwealth it is, *even upon their own view of State advantage*, to receive two millions in the constitutional form of a *deposit*, than one hundred and forty thousand dollars in the form of an illegal *distribution*. My sole object in referring to the subject is to vindicate the consistency of my own conduct—to show that my vote during the last session of Congress for the *deposit* of the \$25,000,000 with the States was not to be confounded with the idea of *distribution*; and to make clear the proposition, that whilst I am at all times ready to promote every interest of my constituents, I can only do it in such form as the Constitution of my country will warrant. It so happens, in the present instance, that the constitutional mode is the most valuable to the people, and apart from all pecuniary considerations, such will always be found to be the case, in every well regulated constitutional government.

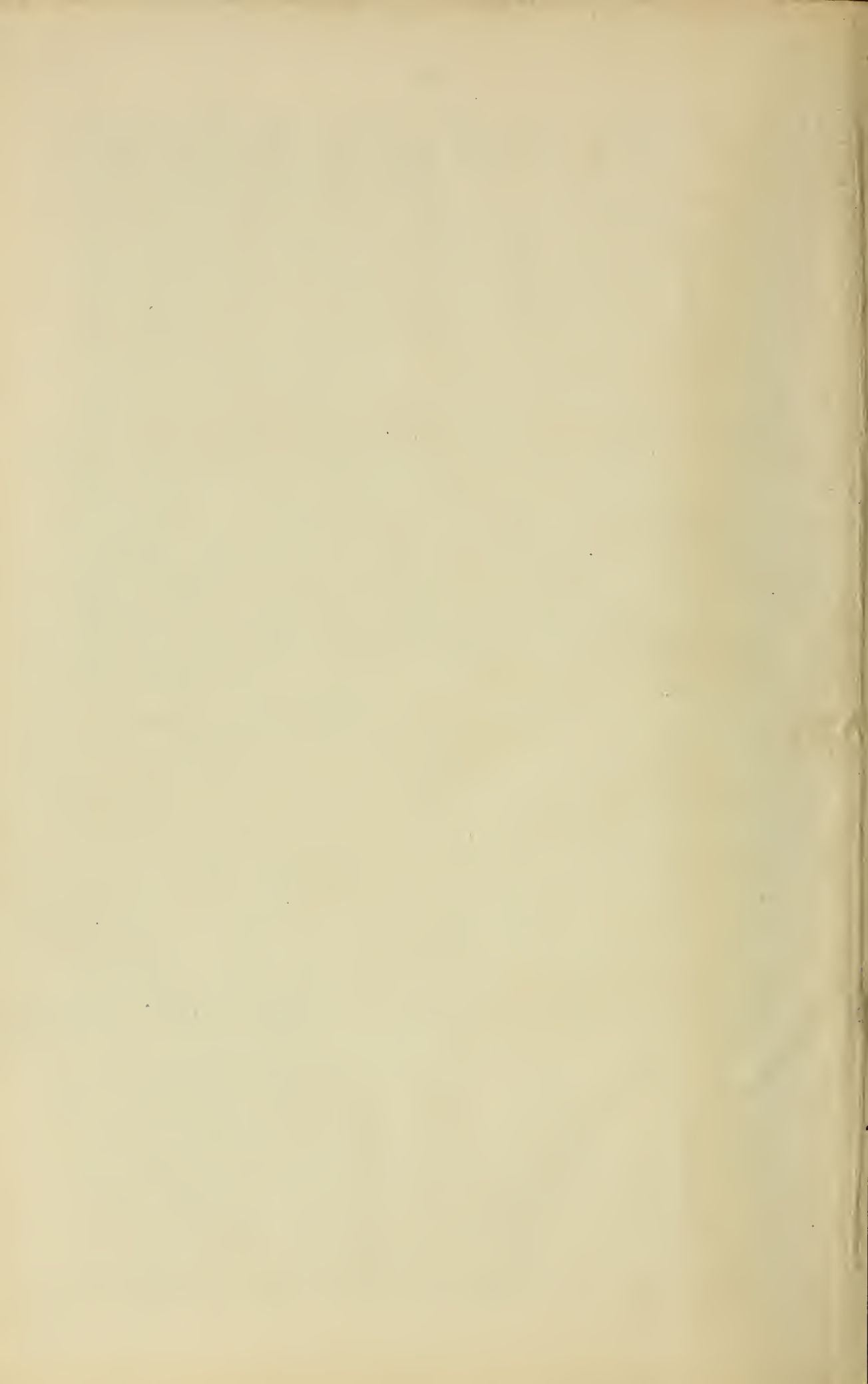
CHAS. JAS. FAULKNER.

BOYDVILLE, *April 27, 1857.*









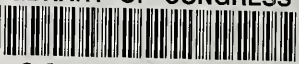








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